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1892—1893.

VOL. LXXXV.

COMPILED AND EDITED BY

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BRITISH AND FOREIGN

State Papers.

SPEECH of the Queen, on the Opening of the British Parliament.—Westminster, January 31, 1893.

My Lords and Gentlemen,

I CONTINUE to hold friendly and harmonious relations with all foreign Powers.

Their declarations in every quarter are favourable to the maintenance of European peace.

In connection with the approaching evacuation of Uganda by the British East Africa Company, I have deemed it expedient to authorize a Commissioner of experience and ability to examine on the spot, with adequate provisions for his safety, into the best means of dealing with the country, and to report to my Government upon the subject.

In view of recent occurrences in Egypt, I have determined on making a slight augmentation in the number of British troops there stationed. This measure does not indicate any change of policy, or any modification of the assurances which my Government have given from time to time respecting the occupation of that country.

The Khedive has declared, in terms satisfactory to me, his intention to follow henceforward the established practice of previous consultation with my Government in political affairs, and his desire to act in cordial co-operation with it.

In relation both to Egypt and to Uganda, papers in continuation of those heretofore presented will at once be laid before you.

Gentlemen of the House of Commons,

The Estimates of Charge necessary for the public service in the coming financial year have been framed, and will be laid before you at an early date.

My Lords and Gentlemen,

I have observed with concern a wide prevalence of agricultural distress in many parts of the country. It is to be hoped that, among the causes of the present depression, some may be temporary in

their nature. But I do not doubt that you will take this grave matter into your consideration, and make it a subject of careful inquiry.

The Proclamations recently in force, which placed Ireland under exceptional provisions of law, have been revoked; and I have the satisfaction of informing you that the condition of that country with respect to agrarian crime continues to improve.

A Bill will be submitted to you, on the earliest available occasion, to amend the provision for the government of Ireland. It has been prepared with the desire to afford contentment to the Irish people, important relief to Parliament, and additional securities for the strength and union of the Empire.

Bills will be promptly laid before you for the amendment of the system of registration in Great Britain, for shortening the duration of Parliaments, and for establishing the equality of the franchise by the limitation of each elector to a single vote.

There will also be proposed to you various Bills bearing on the condition of labour, among which are measures in relation to the liability of employers, the hours of labour for railway servants, and a Bill to amend the Law of Conspiracy.

Your attention will likewise be invited to measures for the further improvement of local government, including the creation of Parish Councils, for the enlargement of the powers of the London County Council, for the prevention of the growth of new vested interests in the ecclesiastical establishments in Scotland and in Wales, and for direct local control over the liquor traffic, together with other measures of public utility.

I humbly commend your labours upon these and upon all other subjects to the guidance of Almighty God.

*COPYRIGHT CONVENTION between Great Britain and
Austria-Hungary.—Signed at Vienna, April 24, 1893.**

[Ratifications exchanged at Vienna, April 14, 1894.]

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, &c., and His Majesty the Emperor of Austria, King of Bohemia, &c., and Apostolic King of

* Signed also in the German and Hungarian languages.

Hungary, animated with the desire to secure in the most complete manner, within their respective dominions, the rights of authors, or their legal representatives, over their literary or artistic works, have resolved to conclude a Convention to that effect, and have named as their Plenipotentiaries, that is to say :

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, &c., the Right Honourable Sir Augustus Berkeley Paget, Knight Grand Cross of the Most Honourable Order of the Bath, a member of Her Britannic Majesty's Most Honourable Privy Council, Her Majesty's Ambassador Extraordinary and Plenipotentiary to His Imperial and Royal Apostolic Majesty, &c. ;

His Majesty the Emperor of Austria, King of Bohemia, &c., and Apostolic King of Hungary, the Count Gustave Kálnoky de Köröspatak, Knight of the Golden Fleece, Knight Grand Cross of the Order of St. Stephen, Knight of the Order of Leopold, His Imperial and Royal Apostolic Majesty's Privy Councillor and Chamberlain, Minister of the Imperial House and of Foreign Affairs, General of Cavalry, &c. ;

Who, having communicated to each other their respective full powers, found in good and due form, have agreed upon the following Articles :—

ART. I. Authors of literary or artistic works and their legal representatives, including publishers, shall enjoy reciprocally, in the dominions of the High Contracting Parties, the advantages which are, or may be, granted by law there for the protection of works of literature or art.

Consequently, authors of literary or artistic works which have been first published in the dominions of one of the High Contracting Parties, as well as their legal representatives, shall have in the dominions of the other High Contracting Party the same protection, and the same legal remedy against all infringement of their rights, as if the work had been first published in the country where the infringement may have taken place.

In the same manner the authors of literary or artistic works, and their legal representatives, who are subjects of one of the High Contracting Parties, or who reside within its dominions, shall in the dominions of the other Contracting Party enjoy the same protection and the same legal remedies against all infringements of their rights as though they were subjects of or residents in the State in which the infringement may have taken place.

These advantages shall only be reciprocally guaranteed to authors and their legal representatives when the work in question is also protected by the laws of the State where the work was first published, and the duration of protection in the other country shall

not exceed that which is granted to authors and their legal representatives in the country where the work was first published.

II. The right of translation forming part of the copyright, the protection of the right of translation is assured under the conditions laid down by this Convention. If ten years after the expiry of the year in which a work to be protected in Her Majesty's dominions on the basis of this Convention has appeared, no translation in English has been published, the right of translating the work into English shall no longer within those dominions exclusively belong to the author.

In the case of a book published in numbers, the aforesaid period of ten years shall commence at the end of the year in which each number is published.

III. Authorized translations are protected as original works. They consequently enjoy the full protection granted by this Convention against the unauthorized reproduction of original works.

It is understood that in the case of a work for which the translating right has fallen into the public domain, the translator cannot oppose the translation of the same work by other writers.

IV. The expression "literary or artistic works" comprehends books, pamphlets, and all other writings; dramatic or dramatico-musical works, musical compositions, with or without words; works of design, painting, sculpture, and engraving, lithographs, illustrations, geographical charts, plans, sketches, and plastic works relating to geography, topography, architecture, or science, in general; in fact, every production whatsoever in the literary, scientific, or artistic domain which can be published by any mode of impression or reproduction.

V. In the British Empire, and in the Kingdoms and States represented in the Austrian Reichsrath, the enjoyment of the rights secured by the present Convention is subject only to the accomplishment of the conditions and formalities prescribed by the law of that State in which the work is first published; and no further formalities or conditions shall be required in the other country.

Consequently, it shall not be necessary that a work which has obtained legal protection in one country should be registered, or copies thereof deposited, in the other country, in order that the remedies against infringement may be obtained which are granted in the other country to works first published there.

In the dominions of the Hungarian Crown the enjoyment of these rights is subject, however, to the accomplishment of the conditions and formalities prescribed by the laws and regulations both of Great Britain and of Hungary.

VI. In order that the authors of works protected by the present Convention shall, in the absence of proof to the contrary, be

considered as such, and be, consequently, admitted to institute proceedings in respect of the infringement of copyright before the Courts of the other State, it will suffice that their name be indicated on the work in the accustomed manner.

The Tribunals may, however, in cases of doubt, require the production of such further evidence as may be required by the laws of the respective countries.

For anonymous or pseudonymous works the publisher whose name is indicated on the work is entitled to protect the rights belonging to the author. He is, without other proof, reputed the legal representative of the anonymous or pseudonymous author, until the latter or his legal representative has declared and proved his rights.

VII. The provisions of the present Convention cannot in any way derogate from the right of each of the High Contracting Parties to control, or to prohibit by measures of domestic legislation or police, the circulation, representation, exhibition, or sale of any work or production.

Each of the High Contracting Parties reserves also its right to prohibit the importation into its own territory of works which, according to its internal laws, or to the stipulations of Treaties with other States, are or may be declared to be illicit reproductions.

VIII. The provisions of the present Convention shall be applied to literary or artistic works produced prior to the date of its coming into effect, subject, however, to the limitations prescribed by the following Regulations:—

(a.) In the the Austro-Hungarian Monarchy—

Copies completed before the coming into force of the present Convention, the production of which has been hitherto allowed, can also be circulated in future.

In the same manner, appliances for the reproduction of works, such as stereotypes, wood-blocks, and engraved plates of every description, such as lithographers' stones, if their production has not hitherto been prohibited may continue to be used during a period of four years from the coming into force of the present Convention.

The distribution of such copies, and the use of the said appliances, is, however, only permitted if an inventory of the said copies and appliances is taken by the Government in question, in consequence of an application of the interested party, within three months from the coming into force of the present Convention, and if these copies and appliances are marked with a special stamp.

Dramatic and dramatico-musical works or musical compositions legally performed before the coming into force of the present Convention can also be performed in the future.

(b.) In the United Kingdom of Great Britain and Ireland—

The author and publisher of any literary or artistic work first produced before the date at which this Convention comes into effect shall be entitled to all legal remedies against infringement; provided that where any person has, before the date of the publication of the Order in Council putting this Convention into effect, lawfully produced any work in the United Kingdom, any rights or interests arising from or in connection with such production, which are subsisting and valuable at the said date, shall not be diminished or prejudiced.

IX. The provisions of the present Convention shall apply to all the Colonies and foreign possessions of Her Britannic Majesty, excepting to those hereinafter named, that is to say, except to—

India.

The Dominion of Canada.

Newfoundland.

The Cape.

Natal.

New South Wales.

Victoria.

Queensland.

Tasmania.

South Australia

Western Australia.

New Zealand.

Provided always that the provisions of the present Convention shall apply to any of the above-named Colonies or foreign possessions on whose behalf notice to that effect shall have been given by Her Britannic Majesty's Representative at the Court of His Imperial and Royal Apostolic Majesty within two years from the date of the exchange of ratifications of the present Convention.*

* *List of British Colonies and Possessions which have acceded to the above Convention under Article IX.*

Newfoundland	..	..	..	..	September 29, 1894.
India	..	..	..	..	October 5, 1894.
Victoria	..	..	..	..	October 5, 1894.
Queensland	..	..	..	..	October 5, 1894.
New Zealand	..	..	..	..	October 26, 1894.
Western Australia	..	..	..	..	November 14, 1894.
Natal	..	..	..	..	November 14, 1894.
South Australia	..	..	..	..	December 10, 1894.

The following British Colonies have not acceded to the Convention :—

The Dominion of Canada.

The Cape.

New South Wales.

Tasmania.

X. The present Convention shall remain in force for ten years from the day on which the ratifications are exchanged; and in case neither of the two High Contracting Parties shall have given notice twelve months before the expiration of the said period of ten years of their intention of terminating the present Convention, it shall remain in force until the expiration of one year from the day on which either of the High Contracting Parties shall have given such notice.

Her Britannic Majesty's Government shall also have the right to denounce the Convention in the same manner, on behalf of any of the Colonies or foreign possessions mentioned in Article IX, separately.

XI. The present Convention shall be ratified, and the ratifications shall be exchanged at Vienna as soon as possible. It shall come into effect ten days after its publication in conformity with the forms prescribed by the laws of the High Contracting Parties respectively.

In witness whereof the respective Plenipotentiaries have signed this Convention, and have hereunto affixed their seals.

Done at Vienna, the 24th day of April, in the year of our Lord 1893.

(L.S.) A. B. PAGET.

(L.S.) KÁLNOKY.

*INTERNATIONAL SANITARY CONVENTION signed at
Dresden, April 15, 1893, and Protocol recording Accession
of Great Britain, July $\frac{13}{15}$, 1893.*

[Ratifications deposited at Berlin, February 1, 1894.*]

SA Majesté l'Empereur d'Allemagne, Roi de Prusse, au nom de l'Empire Allemand; Sa Majesté l'Empereur d'Autriche, Roi de Bohême, &c., et Roi Apostolique de Hongrie; Sa Majesté le Roi des Belges; le Président de la République Française; Sa Majesté le Roi d'Italie; Son Altesse Royale le Grand-Duc de Luxembourg; Son Altesse le Prince de Monténégro; Sa Majesté la Reine des Pays-Bas, et, en son nom, Sa Majesté la Reine-Régente du Royaume; Sa Majesté l'Empereur de Toutes les Russies; le Conseil

* Montenegro decided not to ratify. The Netherlands were unable to ratify until later. See Procès-Verbal of the 1st February, 1894 (will be given in a subsequent volume).

Fédéral Suisse, ayant décidé d'établir des mesures communes pour sauvegarder la santé publique en temps d'épidémie cholérique, sans apporter d'entraves inutiles aux transactions commerciales et au mouvement des voyageurs, ont nommé pour les Plénipotentiaires, savoir :

/ Sa Majesté l'Empereur d'Allemagne, Roi de Prusse, M. le Comte Charles de Dönhoff, son Conseiller Intime Actuel, et son Envoyé Extraordinaire et Ministre Plénipotentiaire à Dresde ; M. Hopf, son Conseiller Intime Supérieur de Régence au Département de l'Intérieur ; M. le Chevalier de Landmann, Conseiller Supérieur de Régence au Ministère Royal de l'Intérieur de Bavière ; M. de Criegern, Conseiller Intime de Régence au Ministère Royal de l'Intérieur de Saxe ; M. le Dr. Koch, Professeur à l'Université Royale de Berlin, son Conseiller Intime de Médecine, Membre Extraordinaire de l'Office Sanitaire Impérial ; M. le Dr. Lehmann, son Conseiller de Légation au Département des Affaires Étrangères ;

~ Sa Majesté l'Empereur d'Autriche, Roi de Bohême, &c., et Roi Apostolique de Hongrie, M. Hengelmüller de Hengervár, son Envoyé Extraordinaire et Ministre Plénipotentiaire à Rio de Janeiro ; M. le Chevalier de Gsiller, son Consul-Général, Délégué à la Commission Européenne du Danube ; M. le Chevalier Dr. Kusý, Conseiller au Ministère Impérial Royal de l'Intérieur à Vienne ; M. le Dr. Alexandre de Faschó-Moys, Conseiller au Ministère Royal Hongrois de l'Intérieur à Buda-Pesth ; M. de Ebner, Conseiller de Section au Ministère Impérial Royal du Commerce à Vienne ; M. Charles de Vajkay, Ingénieur Supérieur des Chemins de Fer de l'État Hongrois ;

~ Sa Majesté le Roi des Belges, M. E. Beco, Secrétaire-Général du Ministère de l'Agriculture, de l'Industrie, et des Travaux Publics ;

~ Le Président de la République Française, M. Camille Barrère, Ministre Plénipotentiaire de première classe, Chargé d'Affaires de France à Munich ; M. le Professeur Brouardel, Doyen de la Faculté de Médecine de Paris, Membre de l'Institut, Président du Comité Consultatif d'Hygiène Publique ; M. le Professeur Proust, Membre de l'Académie de Médecine, Inspecteur-Général des Services Sanitaires ;

Sa Majesté le Roi d'Italie, M. le Comte Curtopassi, son Envoyé Extraordinaire et Ministre Plénipotentiaire à Bucarest ; le Commandeur Pagliani, Docteur en Médecine, Professeur d'Hygiène à la Faculté de Médecine, Directeur de la Santé Publique au Ministère de l'Intérieur ;

Son Altesse Royale le Grand-Duc de Luxembourg, M. le Comte II. E. V. de Villers, son Chargé d'Affaires à Berlin ;

Son Altesse le Prince de Monténégro, M. Hengelmüller de

Hengervár, Envoyé Extraordinaire et Ministre Plénipotentiaire de Sa Majesté l'Empereur d'Autriche et Roi Apostolique de Hongrie ;

8 Sa Majesté la Reine des Pays-Bas et en son nom Sa Majesté la Reine-Régente du Royaume, M. L. H. Ruysenaers, son Ministre Résident ; M. le Dr. Ruysch, Conseiller au Ministère de l'Intérieur ;

9 Sa Majesté l'Empereur de Toutes les Russies, M. Yonine, son Conseiller Privé et son Envoyé Extraordinaire et Ministre Plénipotentiaire ;

10 Le Conseil Fédéral Suisse, M. le Colonel Dr. Roth, Envoyé Extraordinaire et Ministre Plénipotentiaire de la Confédération Suisse près l'Empire Allemand ; M. le Dr. F. Schmid, Chef du Bureau Sanitaire Fédéral ;

Lesquels, ayant échangé leurs pouvoirs, trouvés en bonne et due forme, sont convenus des dispositions suivantes :—

ART. I. En ce qui concerne la prophylaxie internationale applicable aux voyageurs et aux marchandises :

Seront appliquées désormais les mesures indiquées et précisées dans l'Annexe I de la présente Convention.

II. En ce qui touche le régime sanitaire de l'embouchure du Danube (Bouche de Soulina) :

Sont adoptées les dispositions consignées dans l'Annexe II.

III. Les pièces ci-annexées ont la même valeur que si elles étaient incorporées dans la présente Convention.

IV. La présente Convention aura une durée de cinq ans à partir de la date de la ratification. Elle sera renouvelée de cinq en cinq ans par tacite reconduction, sauf dénonciation, dans une période de six mois avant l'expiration de ce terme, par l'une des Hautes Parties Contractantes.

La dénonciation ne produira son effet qu'à l'égard du ou des pays qui l'auront notifiée. La Convention restera exécutoire pour les autres États. Les Hautes Parties Contractantes se réservent également la faculté de provoquer, par la voie des négociations diplomatiques, les modifications qu'elles jugeraient nécessaire d'introduire dans la Convention et ses Annexes.

La présente Convention sera ratifiée ; les ratifications en seront déposées à Berlin le plus tôt possible et au plus tard dans le délai de six mois à dater du 15 Avril, 1893.

En foi de quoi les Plénipotentiaires respectifs l'ont signée et y ont apposé leurs cachets.

Fait en dix exemplaires, à Dresde, le 15 Avril, 1893.

(L.S.) COMTE CHS. DE DÖNHOF.

(L.S.) HOPF.

(L.S.) ROBERT VON LANDMANN.

(L.S.) FRIEDRICH VON CRIEGER.

(L.S.) R. KOCH.
 (L.S.) LEHMANN.
 (L.S.) HENGELMÜLLER.
 (L.S.) GSILLER.
 (L.S.) DR. EM. KUSÝ.
 (L.S.) FASCHO-MOYS.
 (L.S.) EBNER.
 (L.S.) VAJKAY.
 (L.S.) E. BECO.
 (L.S.) CAMILLE BARRÈRE.
 (L.S.) P. BROUARDEL.
 (L.S.) A. PROUST.
 (L.S.) COMTE CURTOPASSI.
 (L.S.) L. PAGLIANI.
 (L.S.) H. DE VILLERS.
 (L.S.) HENGELMÜLLER.
 (L.S.) L. H. RUYSSENAERS.
 (L.S.) DR. RUYSCH.
 (L.S.) YONINE.
 (L.S.) ROTH.
 (L.S.) DR. SCHMID.

ANNEXES À LA CONVENTION.

Annexe I.

Titre I.—*Mesures destinées à tenir les Gouvernements Signataires de la Convention au courant de l'état d'une Épidémie de Choléra, ainsi que des moyens employés pour éviter sa propagation et son importation dans les endroits indemnes.*

Notification et Communications ultérieures.

Le Gouvernement du pays contaminé doit notifier aux divers Gouvernements l'existence d'un foyer cholérique. Cette mesure est essentielle.

Elle n'aura de valeur réelle que si celui-ci est prévenu lui-même des cas de choléra et des cas douteux survenus sur son territoire. On ne saurait donc trop recommander aux divers Gouvernements la déclaration obligatoire des cas de choléra par les médecins.

L'objet de la notification sera l'existence d'un foyer cholérique, l'endroit où il s'est formé, la date du début de ce foyer, le nombre des cas constatés cliniquement et celui des décès. Les cas restés isolés ne feront pas nécessairement l'objet d'une notification.

La notification sera faite aux Agences Diplomatiques ou Consulaires dans la capitale du pays contaminé. Pour les pays qui n'y sont pas représentés, la notification sera faite directement par télégraphe aux Gouvernements étrangers.

Cette première notification sera suivie de communications ultérieures données d'une façon régulière de manière à tenir les Gouvernements au courant de la marche de l'épidémie. Ces communications se feront au moins une fois par semaine.

Les renseignements sur le début et sur la marche de la maladie devront être aussi complets que possible. Ils indiqueront plus particulièrement les mesures prises en vue de combattre l'extension de l'épidémie. Ils devront préciser les mesures prophylactiques adoptées relativement—

A l'inspection sanitaire ou à la visite médicale ;

A l'isolement ;

A la désinfection ;

Et les mesures prescrites au point de vue du départ des navires et de l'exportation des objets susceptibles.

Il est entendu que les pays limitrophes se réservent de faire des arrangements spéciaux en vue d'organiser un service d'informations directs entre les Chefs des Administrations des frontières.

Le Gouvernement de chaque État sera tenu de publier immédiatement les mesures qu'il croit devoir prescrire au sujet des provenances d'un pays ou d'une circonscription territoriale contaminée.*

Il communiquera aussitôt cette publication à l'Agent Diplomatique ou Consulaire du pays contaminé, résidant dans sa capitale. A défaut d'Agence Diplomatique ou Consulaire dans la capitale, la communication se fera directement au Gouvernement du pays intéressé.

Il sera tenu également de faire connaître par les mêmes voies le retrait de ces mesures ou les modifications dont elles seraient l'objet.

Titre II.—*Conditions dans lesquelles une Circonscription territoriale doit être considérée comme contaminée ou saine.*

Est considérée comme contaminée toute circonscription où a été constatée officiellement l'existence d'un foyer de choléra.

N'est plus considérée comme contaminée toute circonscription

* On entend par le mot "circonscription" une partie de territoire d'un pays placé sous une autorité administrative bien déterminée, ainsi : une province, un "gouvernement," un district, un département, un canton, une île, une commune, une ville, un village, un port, un polder, &c., quelles que soient l'étendue et la population de ces portions de territoire.

dans laquelle un foyer a existé, mais où, après constatation officielle, il n'y a eu ni décès, ni cas nouveau de choléra depuis cinq jours, à condition que les mesures de désinfection nécessaires aient été exécutées.

Les mesures préventives seront appliquées au territoire contaminé à partir du moment où le début de l'épidémie aura été officiellement constaté.

Ces mesures cesseront d'être appliqués dès qu'il aura été officiellement constaté que la circonscription est redevenue saine.

Ne sera pas considéré comme donnant lieu à l'application de ces mesures le fait que quelques cas isolés, ne formant pas foyer, se sont manifestés dans une circonscription territoriale.

Titre III.—*Nécessité de limiter aux Circonscriptions territoriales contaminées les mesures destinées à empêcher la propagation de l'Épidémie.*

Pour restreindre les mesures aux seules régions atteintes, les Gouvernements ne doivent les appliquer qu'aux provenances des circonscriptions contaminées.

Mais cette restriction limitée à la circonscription contaminée ne devra être acceptée qu'à la condition formelle que le Gouvernement du pays contaminé prenne les mesures nécessaires pour prévenir l'exportation des objets susceptibles provenant de la circonscription contaminée.

Quand une circonscription est contaminée, aucune mesure restrictive ne sera prise contre les provenances de cette circonscription, si ces provenances l'ont quitté cinq jours au moins avant le début de l'épidémie.

Titre IV.—*Marchandises ou Objets susceptibles envisagés au point de vue des défenses d'Importation ou de Transit; et de la Désinfection.*

I.—*Importation et Transit.*

Les seuls objets ou marchandises susceptibles, qui peuvent être prohibés à l'entrée, sont :—

1. Les linges de corps, hardes, et vêtements portés (effets à usage); les literies ayant servi.

Lorsque ces objets sont transportés comme bagages ou à la suite d'un changement de domicile (effets d'installation), ils sont soumis à un régime spécial.

2. Les chiffons et drilles.

Ne doivent pas être interdits :

(a.) Les chiffons comprimés par la force hydraulique, qui sont

transportés comme marchandises en gros, par ballots cerclés de fer et portant des marques et des numéros d'origine acceptés par l'autorité du pays de destination ;

(b.) Les déchets neufs, provenant directement d'ateliers de filature, de tissage, de confection, ou de blanchiment ; les laines artificielles ("kunstwolle," "shoddy"), et les rognures de papier neuf.

Le transit des marchandises ou objets susceptibles, emballés de telle façon qu'ils ne puissent être manipulés en route, ne doit pas être interdit.

De même, lorsque les marchandises ou objets susceptibles sont transportés de telle façon qu'en cours de route ils n'aient pu être en contact avec des objets souillés, leur transit à travers une circonscription territoriale contaminée ne doit pas être un obstacle à leur entrée dans le pays de destination.

Les marchandises et objets susceptibles ne tomberont pas sous l'application des mesures de prohibition à l'entrée, s'il est démontré à l'autorité du pays de destination qu'ils ont été expédiés cinq jours au moins avant le début de l'épidémie.

Il n'est pas admissible que les marchandises puissent être retenues en quarantaine, aux frontières de terre. La prohibition pure et simple ou la désinfection sont les seules mesures qui puissent être prises.

II.—*Désinfection.*

Bagages.—La désinfection sera obligatoire pour le linge sale, les hardes, vêtements, et objets qui font partie de bagages ou de mobiliers (effets d'installation), provenant d'une circonscription territoriale déclarée contaminée et que l'autorité sanitaire locale considérera comme contaminés.

Marchandises.—La désinfection ne sera appliquée qu'aux marchandises et objets que l'autorité sanitaire local considérera comme contaminés, ou à ceux dont l'importation peut être défendue.

Il appartient à l'autorité du pays de destination de fixer le mode et l'endroit de la désinfection.

La désinfection devra être faite de manière à ne détériorer les objets que le moins possible.

Il appartient à chaque État de régler la question relative au paiement éventuel de dommages-intérêts résultant d'une désinfection.

Les lettres et correspondances, imprimés, livres, journaux, papiers d'affaires, &c. (non compris les colis-postaux), ne seront soumis à aucune restriction ni désinfection.

Titre V.—Mesures à prendre aux Frontières terrestres ; Services des Chemins de Fer ; Voyageurs.

Les voitures affectées au transport des voyageurs, de la poste, et des bagages ne peuvent être retenues aux frontières.

S'il arrive qu'une de ces voitures soit souillée, elle sera détachée du train pour être désinfectée, soit à la frontière, soit à la station d'arrêt la plus rapprochée, lorsque la chose sera possible.

Il en sera de même pour les wagons à marchandises.

Il ne sera plus établi de quarantaines terrestres.

Seuls, les malades cholériques et les personnes atteintes d'accidents cholériformes peuvent être retenus.

Il importe que les voyageurs soient soumis, au point de vue de leur état de santé, à une surveillance de la part du personnel des chemins de fer.

L'intervention médicale se bornera à une visite des voyageurs et aux soins à donner aux malades.

S'il y a visite médicale, elle sera combinée, autant que possible, avec la visite douanière, de façon que les voyageurs soient retenus le moins longtemps possible.

Dès que les voyageurs venant d'un endroit contaminé seront arrivés à destination, il serait de la plus haute utilité de les soumettre à une surveillance de cinq jours à compter de la date du départ.

Les mesures concernant le passage aux frontières du personnel des chemins de fer et de la poste sont du ressort des Administrations intéressées. Elles seront combinées de façon à ne pas entraver le service régulier.

Les Gouvernements se réservent le droit de prendre des mesures particulières à l'égard de certaines catégories de personnes, notamment envers :

(a.) Les bohémiens et les vagabonds ;

(b.) Les émigrants et les personnes voyageant ou passant la frontière par troupes.

Titre VI.—Régime spécial des Zones-Frontières.

Le règlement du trafic-frontière et des questions inhérentes à ce trafic, ainsi que l'adoption de mesures exceptionnelles de surveillance, doivent être laissés à des arrangements spéciaux entre les États limitrophes.

Titre VII.—Voies Fluviales ; Fleuves, Canaux, et Lacs.

On doit laisser aux Gouvernements des États riverains le soin de régler, par des arrangements spéciaux, le régime sanitaire des voies fluviales.

On recommande les Règlements Allemands édictés en 1892, dont l'application a donné de bons résultats.

Titre VIII.—*Partie Maritime; Mesures à prendre dans les Ports.*

Est considéré comme *infecté* le navire qui a du choléra à bord ou qui a présenté des cas nouveaux de choléra depuis sept jours.

Est considéré comme *suspect* le navire à bord duquel il y a eu des cas de choléra au moment du départ ou pendant la traversée, mais aucun cas nouveau depuis sept jours.

Est considéré comme *indemne*, bien que venant d'un port contaminé, le navire qui n'a eu ni décès ni cas de choléra à bord, soit avant le départ, soit pendant la traversée, soit au moment de l'arrivée.

Les navires infectés sont soumis au régime suivant :—

1. Les malades sont immédiatement débarqués et isolés ;
2. Les autres personnes doivent être également débarquées, si possible, et soumises à une observation, dont la durée variera selon l'état sanitaire du navire et selon la date du dernier cas, sans pouvoir dépasser cinq jours ;

3. Le linge sale, les effets à usage et les objets de l'équipage et des passagers qui, de l'avis de l'autorité sanitaire du port, seront considérés comme contaminés, seront désinfectés, ainsi que le navire ou seulement la partie du navire qui a été contaminée.

Les navires suspects sont soumis aux mesures ci-après :—

1. Visite médicale ;
2. Désinfection : Le linge sale, les effets à usage et les objets de l'équipage et des passagers qui, de l'avis de l'autorité sanitaire locale, seront considérés comme contaminés, seront désinfectés ;
3. Évacuation de l'eau de la cale après désinfection et substitution d'une bonne eau potable à celle qui est emmagasinée à bord.

Il est recommandé de soumettre à une surveillance, au point de vue de leur état de santé, l'équipage et les passagers pendant cinq jours à dater de l'arrivée du navire.

Il est également recommandé d'empêcher le débarquement de l'équipage, sauf pour raisons de service.

Les navires indemnes seront admis à la libre pratique immédiate, quelle que soit la nature de leur patente.

Le seul régime que peut prescrire à leur sujet l'autorité du port d'arrivée consiste dans les mesures applicables aux navires suspects (visite médicale, désinfection, évacuation de l'eau de cale, et substitution d'une bonne eau potable à celle qui est emmagasinée à bord).

Il est recommandé de soumettre à une surveillance, au point de vue de leur état de santé, les passagers et l'équipage pendant

cinq jours à compter de la date où le navire est parti du port contaminé.

Il est recommandé également d'empêcher le débarquement de l'équipage, sauf pour raisons de service.

Il est entendu que l'autorité compétente du port d'arrivée pourra toujours réclamer un certificat attestant qu'il n'y a pas eu de cas de choléra sur le navire au port de départ.

L'autorité compétente du port tiendra compte, pour l'application de ces mesures, de la présence d'un médecin et d'un appareil de désinfection (étuve) à bord des navires des trois catégories susmentionnées.

Des mesures spéciales peuvent être prescrites à l'égard des navires encombrés, notamment des navires d'émigrants ou de tout autre navire offrant de mauvaises conditions d'hygiène.

Les marchandises arrivant par mer ne peuvent être traitées autrement que les marchandises transportées par terre, au point de vue de la désinfection et des défenses d'importation, de transit, et de quarantaine. (Voir Titre IV.)

Tout navire qui ne voudra pas se soumettre aux obligations imposées par l'autorité du port sera libre de reprendre la mer.

Il pourra être autorisé à débarquer ses marchandises, après que les précautions nécessaires auront été prises, à savoir :—

1. Isolement du navire, de l'équipage, et des passagers ;
2. Évacuation de l'eau de la cale, après désinfection ;
3. Substitution d'une bonne eau potable à celle qui était emmagasinée à bord.

Il pourra également être autorisé à débarquer les passagers qui en feraient la demande à la condition que ceux-ci se soumettent aux mesures prescrites par l'autorité locale.

Chaque pays doit pourvoir au moins un des ports du littoral de chacune de ses mers d'une organisation et d'un outillage suffisants pour recevoir un navire, quel que soit son état sanitaire.

Les bateaux de cabotage feront l'objet d'un régime spécial à établir d'un commun accord entre les pays intéressés.

Annexe II.

Mesures à prendre à l'égard des Navires provenant d'un Port contaminé et remontant le Danube.

En attendant que la ville de Soulina soit pourvue d'une bonne eau potable, les bateaux qui remontent le fleuve devront être soumis à une hygiène rigoureuse.

L'encombrement de passagers sera strictement interdit.

I.—*Mesures à prendre à Soulina.*

Les bateaux entrant en Roumanie par le Danube seront retenus jusqu'à la visite médicale et jusqu'à parachèvement des opérations de désinfection.

Les bateaux se présentant à Soulina devront subir, avant de pouvoir remonter le Danube, une ou plusieurs visites médicales sérieuses faites de jour. Chaque matin, à une heure indiquée, le médecin s'assurera de l'état de santé de tout le personnel du bateau, et ne permettra l'entrée que s'il constate la santé parfaite de tout le personnel. Il délivrera au capitaine ou au batelier un passeport sanitaire ou patente, ou certificat dont la production sera exigée aux garages ultérieurs.

Il y aura une visite chaque jour. La durée de l'arrêt à Soulina des navires non infectés ne dépassera pas trois jours. La désinfection des linges contaminés sera effectuée dès l'arrivée.

On substituera une eau potable de bonne qualité à l'eau douteuse qui pourrait être à bord.

L'eau de la cale sera désinfectée.

Les mesures qui viennent d'être indiquées ne seront applicables qu'aux provenances de ports qui sont le siège d'un foyer cholérique.

Il est bien entendu qu'un navire provenant d'un port non contaminé—c'est-à-dire d'un port qui n'est pas le siège d'un foyer—pourra, s'il ne veut pas être soumis aux mesures restrictives précédemment indiquées, ne pas accepter les voyageurs venant d'un port contaminé.

Il y a lieu de perfectionner à Soulina l'établissement sanitaire, de le pourvoir de l'outillage moderne comme moyens de désinfection et de le compléter de façon à ce qu'en puisse débarquer et isoler les malades provenant d'un navire infecté, ainsi que les autres passagers.

II.—*Mesures à prendre sur les Bords du Fleuve.*

Des postes sanitaires de moindre importance devront être installés sur les bords du fleuve de façon à pouvoir débarquer des malades s'il s'en trouve à bord ; les postes devront être pourvus de bonne eau potable et des moyens de désinfection nécessaires. Une entente doit être établie à cet égard entre le Gouvernement Russe et le Gouvernement Roumain.

Un médecin sera attaché à chaque poste sanitaire ou à chaque point de relâche important.

Dans chaque station, une chambre convenablement isolée devra être préparée.

Tous les bateaux subiront en passant devant ces postes la visite médicale. S'il y a des malades ou des suspects, ils seront débarqués et isolés.

Les autres personnes devront être également débarquées et isolées pendant cinq jours.

Les cabines, dortoirs, et autres endroits contaminés, le linge, les hardes, et objets souillés seront désinfectés ; il en sera de même de la cale ; une bonne eau potable sera substituée à l'eau douteuse du bord.

Pour les bateaux dans lesquels il n'y aura ni malade ni suspect on désinfectera les cabinets et la cale, et on substituera une bonne eau potable à celle qui est à bord et qui pourrait être mauvaise.

Après la visite médicale on donnera au capitaine ou au chef de l'équipage un certificat indiquant les précautions qui ont été prises et les désinfections qui ont été effectuées ; ce certificat précisera en outre le nombre des passagers et des hommes de l'équipage.

Ce certificat devra être présenté dans les différents postes.

Lorsque le bateau abordera une nouvelle circonscription, il subira une nouvelle visite médicale.

La cale sera de nouveau désinfectée, à moins que l'eau ne renferme encore d'un façon non douteuse le mercure ou la chaux à l'état alcalin.

*PROTOCOLE d'Adhésion du Royaume-Uni de la Grande-Bretagne et d'Irlande à la Convention Sanitaire Internationale de Dresde.—
Signé à Londres, le 13 Juillet, et à Berlin, le 15 Juillet, 1893.*

LA Conférence Sanitaire Internationale de Dresde, lors de la signature de la Convention dans la séance du 15 Avril, 1893,* a décidé qu'un Protocole d'Adhésion resterait ouvert pour les Puissances dont les Représentants n'ont pas été à même de signer cette Convention.

En conséquence, Sa Majesté la Reine du Royaume-Uni de la Grande-Bretagne et d'Irlande, désirant faire usage de cette faculté, a nommé Plénipotentiaires :

Mr. Strachey, son Ministre Résident à Dresde ;

M. le Dr. Thorne Thorne, C.B., Chef de la Section Médicale du Local Government Board à Londres ;

Mr. H. Farnall, C.M.G., Secrétaire au Foreign Office à Londres ;

Lesquels, après avoir déposé leurs pleins pouvoirs trouvés en bonne et due forme, ont déclaré ce qui suit :—

Le Royaume-Uni de la Grande-Bretagne et d'Irlande adhère à la Convention Sanitaire Internationale, conclue à Dresde le 15 Avril, 1893, et à ses Annexes, sous la réserve toutefois que, dans le Royaume-Uni, les personnes bien portantes qui arrivent à bord d'un navire infecté ne soient pas soumises à une observation, mais seulement à une surveillance médicale dans leur domicile.

Le Secrétaire d'État au Département Impériale Allemand des Affaires Étrangères, M. le Baron Marschall de Bieberstein, accepte au nom des Puissances Signataires de la Convention cette Déclaration d'Adhésion, et constate en même temps que les Gouvernements Signataires ont consenti à la réserve faite ci-dessus.

En foi de quoi le présent Protocole a été dressé à ^{Londres}_{Berlin}, le $\frac{13}{15}$ Juillet, 1893.

G. STRACHEY.
R. THORNE THORNE.
H. FARNALL.
BARON MARSCHALL.

PROCÈS-VERBAL, recording the Deposit of the Ratifications of the International Sanitary Convention signed at Venice, January 30, 1892.—Signed at Rome, November 18, 1893.*

LES Parties Contractantes ayant unanimement accepté que l'échange des ratifications de la Convention Sanitaire de Venise du 30 Janvier, 1892,* se ferait moyennant le dépôt des instruments respectifs aux archives du Ministère des Affaires Étrangères d'Italie, le présent Procès-verbal de dépôt a été, à cet effet, ouvert au Ministère Royal des Affaires Étrangères ce jourd'hui, le 30 Juillet, 1892.

Les Parties Contractantes sont d'accord à considérer comme étant régulièrement prorogé jusqu'à la date de clôture du présent Procès-verbal le délai que la Convention avait fixé au 31 Juillet, 1892, pour l'échange des ratifications.

Au sujet d'une phrase contenue au § 3 des dispositions concernant le passage du Canal de Suez en quarantaine (Annexe I), le Gouvernement des Pays-Bas a désiré voir figurer au présent Procès-verbal la déclaration suivante, à savoir que : "selon la marche de la Conférence de Venise, les mots *chaque Puissance édictera des dispositions pénales contre les bâtiments qui, abandonnant le parcours indiqué par le capitaine, aborderaient indûment un des ports du territoire de cette Puissance* ne sauraient être autrement interprétés que dans le sens que le *Gouvernement* de chaque Puissance prendra, *dans les limites de sa législation*, des mesures contre les bâtiments, &c."

Sur quoi, le dépôt des ratifications de Sa Majesté l'Empereur

d'Autriche, Roi de Bohême, &c., et Roi Apostolique de Hongrie, de Sa Majesté la Reine-Régente d'Espagne, de Sa Majesté le Roi d'Italie, de Sa Majesté la Reine-Régente des Pays-Bas, et de Sa Majesté le Roi de Suède et Norvège, a été effectué ce même jour, le 30 Juillet, 1892.

Ont été successivement présentées au dépôt :—

Le 31 Juillet, 1892, la ratification de Sa Majesté l'Empereur d'Allemagne, Roi de Prusse.

Le 2 Août, 1892, la ratification de Sa Majesté la Reine du Royaume-Uni de la Grande-Bretagne et d'Irlande, Impératrice des Indes.

Le 3 Août, 1892, les ratifications du Président de la République Française et de Sa Majesté le Roi des Hellènes.

Le 4 Août, 1892, la ratification de Sa Majesté l'Empereur de Toutes les Russies.

Également, le 4 Août, 1892, la ratification de Sa Majesté le Roi des Belges.

Le 9 Août, 1892, la ratification de Sa Majesté le Roi de Danemark.

Le 13 Février, 1893, la ratification de Sa Majesté l'Empereur des Ottomans. Au moment de la déposer l'Ambassadeur de Sa Majesté Impériale demande l'insertion au présent Procès-verbal de la réserve suivante, que les Puissances Contractantes ont toutes préalablement admise, à savoir que "Sa Majesté Impériale le Sultan ratifie la Convention Sanitaire de Venise à la condition expresse que cet Acte ne porte aucune atteinte, tant aux Règlements et Instructions Sanitaires actuellement en vigueur dans l'Empire, ou à adopter à l'avenir, qu'aux mesures que le Gouvernement Impérial Ottoman pourrait prendre, en temps d'épidémie, à la suite des Résolutions du Conseil Supérieur de Santé."

Une note du Ministre de Portugal auprès de la Cour Royale, en date du 31 Août, 1892, porte la déclaration que "le Gouvernement de Sa Majesté Très-Fidèle, sauf ultérieure ratification, dépendant, selon la Constitution Portugaise, d'un Acte de Pouvoir Législatif, et en tant que son adhésion appartient au Pouvoir Exécutif, accepte définitivement l'Acte de la Conférence Internationale de Venise, aussi bien que les modifications y apportées par les récentes négociations de Paris," et qu'il "accepte également la proposition Néerlandaise concernant une phrase de l'Acte de Venise."

A la suite de cette double déclaration, et le dépôt des autres ratifications étant maintenant complet, le présent Procès-verbal a été ce jourd'hui, le 13 Février, 1893, provisoirement clos, avec réserve de le rouvrir ultérieurement pour le dépôt de la ratification de Sa Majesté le Roi de Portugal et des Algarves.

L'exemplaire unique du présent Procès-verbal reste aux archives

du Ministère Royal des Affaires Étrangères, par les soins duquel une copie certifiée conforme à l'original en sera délivrée à chacune des Hautes Parties Contractantes.

Ce jourd'hui, 18 Novembre, 1893, le présent Procès-verbal a été rouvert, le Chargé d'Affaires de Portugal s'étant présenté pour procéder au dépôt de la ratification de Sa Majesté Très-Fidèle. A cette occasion le Chargé d'Affaires a déclaré que la ratification de son Souverain est délivrée sous les deux conditions ci-dessous énoncées, analogues à celles qui ont respectivement accompagné les ratifications de Sa Majesté la Reine-Régente des Pays-Bas et de Sa Majesté l'Empereur des Ottomans, à savoir : (1) qu'aucune des clauses de la Convention dont il s'agit ne modifie la législation sanitaire applicable dans les ports Portugais ; (2) qu'aucune de ces clauses ne rend obligatoire la promulgation d'aucune nouvelle disposition pénale. Le Chargé d'Affaires constate que ces deux conditions ne préjugent en rien les autres déclarations formulées en son temps par le Comte de Macedo, et acceptées par la Conférence de Venise, comme interprétation de la Convention, relativement aux avis télégraphiques prescrits à l'Annexe I, et aux charges découlant de l'emprunt prévu à l'Annexe II.

Le dépôt des ratifications étant ainsi complet de la part de toutes les Parties Contractantes, le présent Procès-verbal a été définitivement clos, et replacé, comme original unique, aux archives du Ministère Royal des Affaires Étrangères d'Italie, par les soins duquel une nouvelle copie, certifiée conforme à l'original, ainsi complété, sera délivrée à chacune des Hautes Parties Contractantes.

Rome, ce 18 Novembre, 1893.

(L.S.) EPERJÉSY, *Chargé d'Affaires d'Autriche-Hongrie.*

(L.S.) LE COMTE DE BÈNOMAR, *Ambassadeur d'Espagne.*

(L.S.) B. BRIN, *Ministre des Affaires Étrangères d'Italie.*

(L.S.) WESTENBERG, *Ministre des Pays-Bas.*

(L.S.) H. BOHN, *Consul de Suède et Norvège.*

(L.S.) COMTE SOLMS, *Ambassadeur d'Allemagne.*

(L.S.) VIVIAN, *Ambassadeur d'Angleterre.*

(L.S.) H. MARCHAND, *Chargé d'Affaires de France.*

(L.S.) M. A. DURUTTI, *Chargé d'Affaires de Grèce.*

(L.S.) A. VLANGALY, *Ambassadeur de Russie.*

(L.S.) BARON MONCHEUR, *Chargé d'Affaires de Belgique.*

(L.S.) KNUTH, *Ministre de Danemark.*

(L.S.) MAHMOUD NÉDIM, *Ambassadeur de Turquie.*

(L.S.) AUGUSTO DE 'SQUEIRA THEDIM,
Chargé d'Affaires de Portugal.

*CONVENTION between Great Britain and Chile, for submitting to Arbitration the Claims arising out of the Civil War of 1891.—Signed at Santiago, September 26, 1893.**

[Ratifications exchanged at Santiago, April 24, 1894.]

HER Majesty the Queen of Great Britain and Ireland and his Excellency the President of the Republic of Chile, desiring to adjust amicably the claims presented by Her Majesty's Legation in Chile arising from the civil war which began on the 7th of January, 1891, have agreed to conclude a Convention for arbitration, and have for that purpose named as their respective Plenipotentiaries :

Her Britannic Majesty, John Gordon Kennedy, Esq., Her Majesty's Minister Resident in Chile ; and

His Excellency the President of the Republic of Chile, Señor Don Ventura Blanco Viel, Minister for Foreign Affairs ;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following Articles :—

ART. I. A Tribunal of Arbitration shall decide, in the manner and in accordance with the terms prescribed in Article V of the present Convention, all claims for which the Government of Chile may be held responsible in view of the acts and operations executed by the land and sea forces of the Republic during the civil war which began on the 7th of January, 1891, and ended on the 28th of August of the same year, and also those claims which were caused by subsequent events, for which the Government may be held responsible under the provisions of said Article V.

The claims must be supported by Her Britannic Majesty's Legation, and must be presented within the term of six months from the date of the establishment of the Tribunal.

II. The Tribunal shall consist of three members, that is to say : one appointed by his Excellency the President of the Republic of Chile, one by Her Majesty Queen Victoria, and a third by both High Contracting Parties. This third member shall be neither a Chilean citizen nor a subject of Her Britannic Majesty.

III. The Tribunal shall admit such methods of proof and inquiry

* Signed also in the Spanish language.

as may, in the judgment and opinion of its members, conduce most effectually to the elucidation of the matters in dispute, and, in particular, to the establishment of the status and neutral character of the several claimants.

The Tribunal shall also admit written and verbal statements made by either Government, or by the Agents or Counsel of either Government.

IV. Either Government may appoint an Agent with power to watch over the interests committed to his charge; to defend those interests, present petitions, documents, and interrogatories; to state and argue points at issue; to argue in favour of the interests committed to his charge and against the opponents of those interests; to tender evidence and lay before the Tribunal, personally or by Counsel, verbally or in writing (under such rules of procedure and office regulations as the Tribunal shall itself adopt at the commencement of its labours), all such legal doctrines, principles, and precedents as shall seem to him proper.

V. The Tribunal shall decide the claims according to the evidence tendered, and in accordance with the principles of international law and the practice and jurisprudence established by such analogous modern Tribunals as enjoy the greatest authority and the best reputation, and shall give its decisions, whether provisional or final, by majority of votes.

The Tribunal shall express shortly, in every final judgment, the facts and origin of each claim, the arguments alleged for and against each, and the principles of international law on which the Tribunal's decision is made to rest.

The decisions and judgments of the Tribunal shall be in writing, and shall be signed by all the members and be attested by the Secretary; the originals shall, together with the documents belonging to each, be deposited in the Chilean Ministry for Foreign Affairs, and copies shall be given to the parties at their request.

The Tribunal shall keep a register, in which shall be noted its proceedings, the petitions of claimants, and the judgments and decisions of the Tribunal.

The Tribunal shall sit at Santiago.

VI. The Tribunal may appoint such secretaries, reporters, and other officials as it may deem necessary for the proper discharge of its duties.

The Tribunal shall nominate the persons who are to occupy the above-mentioned offices, and shall name the salary or remuneration to be assigned to each.

The said officials shall be appointed by his Excellency the President of the Republic of Chile.

Such judgments of the Tribunal as are to be executed in Chile

shall have the support of the Executive in the same manner as the judgments of the ordinary legal Tribunals of that country. Such judgments as are to be executed abroad shall be executed in accordance with the rules and usages of private international law.

VII. The Tribunal shall, for the final discharge of its duties in regard to all claims submitted to its consideration and decision, be allowed a term of one year from the date on which it shall declare itself validly constituted. When this term shall have expired the Tribunal shall have power to prolong its existence for a further period, which may not exceed six months, in case the illness or temporary incapacity of any of its members, or any other event of acknowledged gravity, may have prevented it from fulfilling the duties entrusted to it within the term fixed under the first paragraph of this Article.

VIII. Each of the Contracting Governments shall bear the expenses of its own proceedings and the remuneration of its own Agents and Counsel.

The payment of salaries to the members of the Tribunal shall commence only from the date of the commencement of their duties.

Expenses involved by the creation of the Tribunal, the remuneration of its members, the salaries of the secretaries, reporters, and other officials, and all other expenses and costs of the services rendered to both parties, shall be defrayed in moieties by the two Governments; but if any sums of money are awarded to the claimants there shall be deducted therefrom the above-mentioned common expenses and costs, in so far as they shall not exceed 6 per cent. of the total amounts to be paid by the Chilean Treasury on account of such claims respectively as may be admitted.

Sums awarded by the Tribunal to claimants shall be paid by the Government of Chile to the Government of Her Britannic Majesty through Her Majesty's Legation at Santiago, or through any person designated for the purpose by Her Majesty, within the term of one year from the date on which judgment on any claim shall have been given, but no interest shall during such time accrue to the successful claimant.

The Government of Chile will deduct from any sums paid by them in satisfaction of claims submitted to the Tribunal, whether paid by order of the Tribunal or by private arrangement, the amounts stipulated in the third paragraph of this Article, such amounts to be retained and applied towards payment of the common expenses of arbitration.

IX. The High Contracting Parties bind themselves to consider the decisions of the Tribunal established by the present Convention as affording a satisfactory, complete, and irrevocable settlement of the difficulties which it is proposed to abrogate, and to agree that all claims of subjects of Her Britannic Majesty presented, or omitted

to be presented, under the conditions laid down in the preceding Articles, shall equally be held to be finally decided, and to have been the subject of a judgment, in such a manner that for no cause or pretext can such claims ever again be examined or discussed.

X. If the High Contracting Parties do not agree respecting the nomination of an Umpire, His Majesty the King of the Belgians shall be requested to name one, and in that case the period within which the Tribunal shall commence its labours shall be six months from the date of the exchange of the ratifications of this Convention.

XI. The present Convention shall be ratified by the High Contracting Parties, and the ratifications shall be exchanged at Santiago.

In testimony whereof the Plenipotentiaries of Chile and of Her Britannic Majesty have signed *ad referendum* the present Convention in duplicate in the Spanish and English languages, and have affixed thereto their seals.

Done in Santiago, the 26th day of September, 1893.

(L.S.) J. G. KENNEDY.

(L.S.) V. BLANCO.

AGREEMENT supplementary to the Convention concluded on the 18th and 26th June, 1885, concerning the Exchange of Postal Parcels between the Post Office of the United Kingdom of Great Britain and Ireland and the Post Office of Egypt.—Signed at London, November 29, and at Alexandria, December 14, 1893.*

ART. I.—1. On and after the 1st of January, 1894, the postal parcels exchanged between Great Britain and Egypt under the Convention of the 18th and 26th of June, 1885, between the Post Office of the United Kingdom of Great Britain and Ireland and the Post Office of Egypt, may be insured. This provision will at the outset apply exclusively to parcels transmitted by way of Gibraltar.

2. The two Administrations shall mutually serve as intermediaries for the exchange of insured parcels to and from the other countries with which they respectively maintain similar exchanges. They shall communicate to each other the amount of the insurance fee to be credited in each case and the other conditions of the service.

II. The maximum amount for which parcels exchanged between the two countries may be insured is 50*l.* sterling in the United Kingdom and 50*l.* Egyptian in Egypt.

* Vol. LXXVI, page 61.

III. The insurance fee, which shall be paid at the same time as the postage, shall be in the United Kingdom $2\frac{1}{2}d.$ for each 12*l.* sterling, or fraction of 12*l.*, of insured value, and in Egypt one piastre for each 12*l.* Egyptian, or fraction of 12*l.* Egyptian, of insured value.

IV. The insurance fee for each 12*l.* sterling or 12*l.* Egyptian of insured value, levied on parcels posted in the United Kingdom addressed to Egypt, or posted in Egypt addressed to the United Kingdom, shall be apportioned as follows:—

To the office of origin, 1*d.*

To the office which provides the sea service, 1*d.*

To the office of destination, $\frac{1}{2}d.$

V. If it shall be subsequently determined to allow the insurance of parcels exchanged between the United Kingdom and Egypt by way of France and Italy, the two Administrations shall fix by common consent both the amount of the insurance fees to be paid by the senders of such parcels and the apportionment of those fees.

VI. On every insured parcel sent under this Agreement the Administration of the country of origin may levy the following charges, to be paid by the sender in addition to the insurance fee provided for in the preceding articles:—

1. A registration fee not exceeding $2\frac{1}{2}d.$, or 1 piastre, for each parcel.

2. A supplementary charge to complete the insurance of the parcel against the risks, arising from causes beyond control (*force majeure*), which are not covered by the insurance fee fixed in the foregoing Article III.

The registration fee and the supplementary insurance fee shall be retained by the office which levies them; and the office levying the latter fee on any parcel is alone liable to give compensation for loss or damage arising to that parcel from causes beyond control during the whole course of transmission.

VII. When an insured parcel is re-directed or is returned to the office of origin, a new insurance fee is collected from the addressee or the sender, as the case may be. So far as the relations of the two Administrations are concerned, the amount of the insurance fees on re-directed or returned parcels and the apportionment of such amount shall be regulated in the same manner as the amount and apportionment of the fees levied on other parcels passing between the two countries.

VIII. 1. Compensation for the loss or damage of insured parcels shall be paid in accordance with Article VII of the Convention of the 18th and 26th of June, 1885, but the compensation paid in the case of any one parcel shall not exceed the sum for which it has been insured.

2. If the Administration of the country of origin has elected under the foregoing Article VI to levy a supplementary charge to complete the insurance of parcels against the risks arising from causes beyond control (*force majeure*), the fact that the loss or damage of a parcel, on which such a fee has been levied, has arisen from causes beyond control does not relieve the Administration in question from the liability to pay compensation.

IX. In the case of all parcels containing coin, objects of gold or silver, or other precious articles, exchanged between the United Kingdom and Egypt, insurance is obligatory. If such a parcel is forwarded uninsured, the Administration which delivers it is entitled to collect the proper insurance fee from the addressee, and to retain the same.

X. No parcel may be insured for an amount above the real value of its contents. In case the sender of an insured parcel, with intent to defraud, declares the contents to be above their real value, he loses all claim to compensation, and the enforcement of this rule does not prejudice any judicial proceedings of which the law of the country of origin may admit.

XI. The provisions of the Convention of the 18th and 26th of June, 1885, remain generally applicable to insured postal parcels. Moreover, the following additional detailed regulations are applicable to such parcels:—

(1.) An insured parcel must bear on the cover a statement of the amount for which it is insured; and no erasure or addition, even if certified, is allowed. When this statement is not made in English money, the sender or the Post Office of the country of origin must indicate by new figures, placed beside or below the others, the equivalent of the amount in English money.

(2.) An insured parcel must be so packed as to make it impossible for the contents to be tampered with without leaving an obvious trace of violation. It must also be sealed by means of sealing-wax, lead, or otherwise, with some special impress or mark of the sender.

(3.) The exact weight of an insured parcel in kilogrammes and grammes must be entered by the office of origin on the cover of the parcel.

(4.) Each insured parcel must bear a red label with the word “insured” or “*valeur déclarée*” upon it.

(5.) The labels on insured parcels containing coin, articles of gold or silver, jewellery, or other precious objects, must be so placed that they cannot serve to conceal injuries to the cover. They must not be folded over two sides of the cover so as to hide the edge. The address in such cases must be written on the actual covering of the parcel.

(6.) The insured parcels shall be entered together on a separate parcel-bill, which shall contain columns for the entry of the weight of each parcel, the amount for which it has been insured, and the number of rates (at $2\frac{1}{2}d.$ per rate) paid for insurance.

Done in duplicate at London on the 29th day of November, 1893, and at Alexandria on the 14th day of December, 1893.

(L.S.) ARNOLD MORLEY.

(L.S.) Y. SABA.

*AGREEMENT regulating the Commercial Relations between Canada and France in respect of Customs Tariffs.—Signed at Paris, February 6, 1893.**

[Ratifications exchanged at Paris, October 4, 1895.]

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the President of the French Republic, being alike desirous of facilitating and extending commercial relations between Canada and France, have resolved to conclude an Agreement to this end, and have named as their Plenipotentiaries, that is to say :

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, his Excellency the Marquis of Dufferin and Ava, a Peer of the United Kingdom, a member of the Most Honourable Privy Council, Vice-Admiral of Ulster, Warden and Keeper of the Cinque Ports, Constable of the Castle of Dover, &c., &c., Her Ambassador Extraordinary and Plenipotentiary to the Government of the French Republic ; and Sir Charles Tupper, Baronet, High Commissioner for Canada in London ;

The President of the French Republic, his Excellency M. Jules Develle, Deputy and Minister for Foreign Affairs, and his Excellency M. Siegfried, Deputy, Minister for the Department of Commerce, Industry, and of the Colonies ;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following Articles :—

ART. I. Wines, sparkling and non-sparkling, common soaps, “savons de Marseille” (Castile soaps), and nuts, almonds, prunes, and plums of French origin entering Canada shall enjoy the following advantages :

1. Non-sparkling wines gauging 15 degrees by the centesimal

* Signed also in the French language.

alcoholmeter, or less, or according to the Canadian system of testing, containing 26 per cent., or less, of alcohol, and all sparkling wines, shall be exempted from the surtax or *ad valorem* duty of 30 per cent.;

2. The present duty charged on common soaps, "savons de Marseille" (Castile soaps), shall be reduced to one-half;

3. The present duty charged on nuts, almonds, prunes, and plums shall be reduced by one-third.

II. Any commercial advantage granted by Canada to any third Power, especially in Tariff matters, shall be enjoyed fully by France, Algeria, and the French Colonies.

III. The following articles of Canadian origin imported direct from that country accompanied by certificates of origin shall receive the advantage of the Minimum Tariff on entering France, Algeria, or the French Colonies :

Canned meats ;

Condensed milk, pure ;

Fresh-water fish, eels ;

Fish preserved in their natural form ;

Lobsters and crayfish preserved in their natural form ;

Apples and pears, fresh, dried, or pressed ;

Fruits preserved, others ;

Building timber, in the rough or sawn ;

Wood pavement ;

Staves ;

Wood pulp (cellulose) ;

Extract of chestnut, and other tanning extracts ;

Common paper, machine made ;

Prepared skins, others, whole ;

Boots and shoes ;

Furniture of common wood ;

Furniture other than chairs, of solid wood, common ;

Flooring, in pine or soft wood ;

Wooden sea-going ships.

It is understood that the advantage of any reduction of duty granted to any other Power on any of the articles enumerated above shall be extended fully to Canada.

IV. The present Agreement having received the sanction of the Parliament of Canada and of the French Chambers shall be ratified, and the ratifications shall be exchanged at Paris as soon as possible. It shall come into operation immediately after this formality has been accomplished, and shall continue in force until the expiration of twelve months after either of the Contracting Parties shall have given notice of their intention of terminating the same.

It is agreed likewise that if non-sparkling wines gauging 15 degrees at the most, or sparkling wines become subject later on to

an increase of duty in Canada, the French Government by denouncing the present Agreement could terminate its operation immediately without waiting until the expiration of the twelve months' delay provided for above.

In witness whereof the respective Plenipotentiaries have signed the present Agreement and affixed thereto the seals of their arms.

Done in duplicate at Paris, this 6th day of February, 1893.

(L.S.) DUFFERIN AND AVA.

(L.S.) CHARLES TUPPER.

(L.S.) JULES DEVELLE.

(L.S.) JULES SIEGFRIED.

*AGREEMENT between Great Britain and France, for the Establishment of an Express Delivery Service.—Signed at Paris, February 27, 1893.**

THE Government of the United Kingdom of Great Britain and Ireland, and the Government of the French Republic having thought well to modify, in their postal relations, the special charge fixed by Article XIII (second clause) of the Convention of the Universal Postal Union, signed at Vienna on the 4th July, 1891,† the Undersigned, duly authorized to that effect, have agreed as follows:—

Sole Article.—In derogation from the second clause of Article XIII of the Convention of the Universal Postal Union, dated the 4th July, 1891, the special charge for the house delivery of articles called “express” is fixed at 0 fr. 50 c. for those sent from France to Great Britain and Ireland; this charge remains fixed at 30 centimes (3 pence) for articles sent from Great Britain and Ireland to France; in either case it will belong to the country of origin.

All the other provisions of the said Article XIII shall be applicable to the articles in question.

In faith of which the Undersigned have drawn up the present Agreement, which shall come into force on a date to be agreed upon between the Postal Administrations of the two countries.

Signed at Paris, in duplicate, the 27th February, 1893.

(L.S.) DUFFERIN AND AVA.

(L.S.) JULES DEVELLE.

* Signed also in the French language.

† Vol. LXXXIII, page 513.

ARRANGEMENT between Great Britain and France, fixing the Boundary between the British and French Possessions on the Gold Coast.—Signed at Paris, July 12, 1893.

THE Special Commissioners nominated by the Governments of Great Britain and France, in accordance with Article V of the Agreement of the 10th August, 1889,* having failed to trace a line of demarcation between the territories of the two Powers on the Gold Coast, in conformity with the general provisions of Article III of the said Agreement, and with the indications of the concluding paragraph of the Agreement of the 26th June, 1891,† the undersigned Plenipotentiaries, charged, in execution of the declarations exchanged at London on the 5th August, 1890,‡ between Her Britannic Majesty's Government and the Government of the French Republic, to proceed to delimit the respective spheres of interest of the two countries in the districts south and west of the Middle and Upper Niger, have agreed to fix, on the following conditions, the line of demarcation between the French and British possessions on the Gold Coast:—

1. The British frontier starts from the sea-coast at Newtown, at a distance of 1,000 metres to the west of the house occupied in 1884 by the British Commissioners, thence goes true north to the Tanoe or Tendo lagoon, follows the south bank of that lagoon to the mouth of the River

LES Commissaires Spéciaux nommés par les Gouvernements de la France et de la Grande-Bretagne, en vertu de l'Article V de l'Arrangement du 10 Août, 1889,* n'étant pas parvenus à tracer, entre les territoires respectifs des deux Puissances, sur la Côte d'Or, une ligne de démarcation conforme aux dispositions générales de l'Article III de cet Arrangement et aux indications du paragraphe final de l'Arrangement du 26 Juin, 1891,† les Plénipotentiaires soussignés, chargés, en exécution des déclarations échangées à Londres, le 5 Août, 1890,‡ entre le Gouvernement de la République Française et le Gouvernement de Sa Majesté Britannique, de délimiter les sphères d'intérêt respectif des deux pays, dans les districts sud et ouest du Moyen-et du Haut-Niger, se sont entendus pour fixer, dans les conditions ci-après énoncées, la ligne de démarcation entre les possessions Françaises et Britanniques de la Côte d'Or:—

1. La frontière Britannique part de la côte à Newtown, à une distance de 1,000 mètres à l'ouest de la maison occupée, en 1884, par les Commissaires Britanniques, puis se dirige droit vers le nord jusqu'à la lagune de Tanoe ou Tendo, suit la rive sud de cette lagune jusqu'à l'em-

* Vol. LXXXI, page 1126.

† Vol. LXXXIII, page 43.

‡ Vol. LXXXII, page 89.

Tanoe or Tendo (of the four islands near that mouth the two to the south being assigned to Great Britain, and the two to the north to France). The British frontier thence runs along the left bank of the Tanoe or Tendo River as far as the village of Nougoua, which, being on its right bank, Great Britain consents to recognize as belonging to France.

2. The French frontier starts similarly from the sea-coast at Newtown, at a distance of 1,000 metres to the west of the house occupied in 1884 by the British Commissioners. It thence goes true north to the Tanoe or Tendo lagoon, and, crossing that lagoon, follows its north bank and the north and north-east banks of the Ehi lagoon to the mouth of the Tanoe or Tendo River, and continues along the right bank to the village of Nougoua.

3. Thence the British frontier continues to follow the left bank of the Tanoe or Tendo River for a distance of 5 English miles above the present residence of the Chief in the village of Nougoua. At the 5-mile point it crosses the river and becomes the common frontier indicated below.

The French frontier follows similarly for a distance of 5 miles above Nougoua the right bank of the Tanoe or Tendo until it joins the British frontier.

bouchure de la Rivière Tanoe ou Tendo (des quatre îles qui se trouvent à proximité de cette embouchure, les deux qui sont au sud étant attribuées à la Grande-Bretagne, et les deux qui sont au nord, à la France). La frontière Britannique longe, à partir de cet endroit, la rive gauche de la Rivière Tanoe ou Tendo jusqu'au village de Nougoua, que, vu sa situation sur la rive droite de cette rivière, l'Angleterre consent à reconnaître à la France.

2. La frontière Française part également sur la côte de Newtown, à une distance de 1,000 mètres à l'ouest de la maison occupée, en 1884, par les Commissaires Britanniques. Elle s'avance, de là, droit au nord, vers la lagune de Tanoe ou Tendo, puis, traversant cette lagune, en suit la rive nord, et les rives nord et est de la lagune Ehi, jusqu'à l'embouchure de la Rivière Tanoe ou Tendo, et suit la rive droit de cette rivière jusqu'au village de Nougoua.

3. La frontière Britannique continue à suivre la rive gauche du Tanoe ou Tendo durant 5 milles Anglais en amont de la maison qui sert actuellement de résidence au Chef de Nougoua. Elle traverse en ce point la rivière et se confond avec la frontière commune déterminée ci-dessous.

La frontière Française suit la rive droite du Tanoe ou Tendo, également pendant 5 milles en amont de Nougoua, jusqu'au moment où elle est rejointe par la frontière Anglaise.

4. The common frontier then leaves the River Tanoe and strikes northwards to the centre of Ferra-ferrako Hill. Thence, passing 2 miles to the eastward of the villages of Assikasso, Sankaina, Asambosua, and Akuakru, it runs 2 miles to the eastward of the road leading from Suakru to the Boi River, reaching that river 2 miles to the south-eastward of Bamianko, which village belongs to France. Thence it follows the thalweg of the Boi River and the line traced by Captain Binger (as marked on the annexed map), leaving Edubi with territory extending 1 mile to the north of it to France, until it reaches a point 16,000 metres due east of Yau. Thence it coincides with the line traced by Captain Binger (as marked on the annexed map) to a point 1,000 metres to the south of Aburuferassi, which village belongs to France. Thence it runs 10 kilom. to the eastward of the direct road from Annibilekrou to Bondoukou, by Bodomfil and Dadiassi, passes midway between Buko and Adjamrah, runs 10 kilom. to the eastward of the road to Bondoukou viâ Sorobango, Tambi, Takhari, and Bandagadi, and reaches the Volta at the spot where that river is intersected by the road from Bandagadi to Kirhindi. Thence it follows the thalweg of the Volta to its intersection by the 9th degree of north latitude.

4. La frontière commune quitte la Rivière Tanoe et se dirige au nord vers le sommet de la colline de Ferra-ferrako. De là, passant à 2 milles à l'est des villages d'Assikasso, Sankaina, Assambossoua, et Akouakrou, elle court à 2 milles à l'est de la route conduisant de Souakrou à la Rivière Boi, pour atteindre cette rivière à 2 milles au sud-est de Bamianko, village qui appartient à la France. De là, elle suit le thalweg de la Rivière Boi et la ligne tracée par le Capitaine Binger (telle qu'elle est marquée sur la carte ci-annexée), laissant Edubi, avec un territoire s'étendant à 1 mille au nord de ce point, à la France, jusqu'à ce qu'elle atteigne un point situé à 16,000 mètres droit à l'est de Yaou. A partir de ce point, elle coïncide avec la ligne tracée par le Capitaine Binger (voir la carte ci-annexée), jusqu'à un point situé à 1,000 mètres au sud d'Abourouferrassi, village appartenant à la France. Elle continue à se tenir ensuite à une distance de 10 kilom. à l'est de la route conduisant directement d'Annibilekrou à Bondoukou, par Bodomfil et Dadiassi, passe à mi-chemin entre Buko et Adjamrah, court à 10 kilom. à l'est de la route de Bondoukou, viâ Sorobango, Tambi, Takhari, et Bandagadi, et atteint la Volta au point d'intersection de cette rivière et de la route de Bandagadi à Kirhindi. Elle suit alors le thalweg de la Volta jusqu'à son intersection par le 9^e degré de latitude nord.

5. It is agreed that the inhabitants of French villages who, previously to the conclusion of this Agreement, enjoyed the right of fishing on the Tanoë or Tendo River shall continue to enjoy that right subject to local Regulations.

6. The boundary detailed in this Agreement is marked on the map which is annexed hereto.

7. This Agreement is regarded by the two Governments as completing and interpreting section 1 of Article III of the Agreement of the 10th August, 1889, which concerns the delimitation of the British and French possessions on the Gold Coast, and the concluding paragraph of the Agreement of the 26th June, 1891.

Paris, July 12, 1893.

5. Il est convenu que les habitants des villages Français qui, antérieurement à la conclusion du présent Arrangement, jouissaient du droit de pêche sur la Rivière de Tanoë ou de Tendo continueront à jouir de ce droit, en se conformant aux Règlements locaux.

6. La frontière déterminée par le présent Arrangement est inscrite sur la carte ci-annexée.

7. Dans la pensée des Parties Contractantes, le présent Arrangement complète et interprète la section 1 de l'Article III de l'Arrangement du 10 Août, 1889, relatif à la délimitation des possessions Britanniques et Françaises sur la Côte d'Or, et le paragraphe final de l'Arrangement du 26 Juin, 1891.

Fait à Paris, le 12 Juillet, 1893.

Les Commissaires Britanniques,
E. C. H. PHIPPS.
J. A. CROWE.

Les Commissaires Français,
GABRIEL HANOTAUX.
J. HAUSSMAN.

PROTOCOLS and AGREEMENT between Great Britain and France, respecting Territories in the Region of the Upper Mekong.—Signed at Paris, July 31 and November 25, 1893.

(1.)—*Protocol signed at Paris, July 31, 1893.*

EN vue de prévenir les difficultés qui pourraient naître d'un contact direct entre elles, les deux Puissances sont d'accord

WITH a view of obviating the difficulties which might arise from a direct contact between them, the two Powers are agreed

pour reconnaître la nécessité de constituer, au moyen de sacrifices et d'abandon reciproques, une zone neutre entre leurs possessions.

Les limites de la zone neutre seront déterminées ultérieurement.

Le 31 Juillet, 1893.

DUFFERIN AND AVA.
JULES DEVELLE.

to recognize the necessity of constituting, by means of mutual sacrifices and concessions, a neutral zone between their possessions.

The limits of this neutral zone shall be subsequently determined.

July 31, 1893.

DUFFERIN AND AVA.
JULES DEVELLE.

(2.)—*Protocol signed at Paris, November 25, 1893.*

THE Undersigned, named by their respective Governments in order to examine in what manner, by means of reciprocal contributions, an intermediary zone might be constituted between the British and French possessions in the region of the Upper Mekong;

Being arrested in the course of their labours by the difficulty of determining, according to positive data, the limits and the geographical configuration of the different provinces situated in that region,

Have recognized, by common agreement, that, in order to establish under normal geographical conditions, and without causing disintegration, a zone of sufficient extent, it would be desirable to proceed to an inquiry on the spot by Technical Agents of the two countries.

Done at Paris, November 25, 1893.

E. C. H. PHIPPS.
H. AUSTIN LEE.

LES Soussignés, désignés par leurs Gouvernements respectifs pour examiner de quelle manière pourrait être constituée, au moyen de contributions réciproques, une zone intermédiaire entre les possessions Anglaises et Françaises dans la région du Haut-Mékong;

S'étant trouvés arrêtés, au cours de leurs travaux, par la difficulté de déterminer, d'après des données certaines, les limites et la configuration géographique des diverses provinces situées dans cette région,

Ont reconnu, d'un commun accord, que, pour établir dans des conditions géographiques normales, et sans occasionner de morcellement, une zone d'une étendue suffisante, il conviendrait de faire procéder à une enquête sur place, par des Agents Techniques des deux pays.

Fait à Paris, le 25 Novembre, 1893.

JUSSERAND.
PAUL RÉVOIL.

(3.)—*Agreement signed at Paris, November 25, 1893.*

The Undersigned, having taken cognizance of the Protocol signed by the English and French Commissioners on this day, and having approved it, have recognized, by common agreement, that the Technical Agents designated to proceed to the Upper Mekong should not lose sight of the following points:—

1. The geographical examination which they will have to undertake will deal with the course of the Mekong from its entry into Kyaing Chaing until its entry into Luang Prabang; with the limits of the Province of Kyaing Chaing, and with those of that portion of Muang Nan which lies to the north of the river.

2. The breadth which the two Contracting Powers propose to give to the intermediary zone between the British and French possessions is, in so far as the geographical and political configuration of the country will allow, to be about 80 superficial kilometres. The Technical Agents shall note carefully what geographical and political limits would best attain this object.

3. It is agreed that the navigation, transit, and means of communication in the zone thus constituted shall be free from every impediment, each of the Contracting Parties undertaking not to seek any advantage which

Les Soussignés, ayant pris connaissance du Protocole en date de ce jour, signé par les Commissaires Anglais et Français, et y ayant donné leur approbation, ont reconnu d'un commun accord que les Agents Techniques, désignés pour se rendre sur le Haut-Mekong, ne devront pas perdre de vue les points suivants:—

1. L'examen géographique auquel ils devront se livrer portera sur le cours du Mékong, depuis son entrée dans le Xiengk-Kheng jusqu'à son entrée dans le Louang - Prabang; sur les limites de la Province de Xiengk-Kheng, et sur celles de la partie de Nan au bord du fleuve.

2. La largeur que les deux Puissances Contractantes se proposent de donner à la zone intermédiaire entre les possessions Anglaises et Françaises est, dans la mesure où la configuration géographique et politique du pays le permettra, de 80 kilomètres de marche, environ. Les Agents Techniques devront noter soigneusement quelles limites géographiques et politiques atteindraient le mieux ce but.

3. Il est entendu que la navigation, le transit, et les moyens de communication seront libres de toute entrave dans la zone ainsi constituée, chacune des Parties Contractantes s'engageant à ne rechercher aucun

is not equally secured to the other.

avantage qui ne soit également assuré à l'autre.

Done at Paris, November 25, 1893.

Fait à Paris, le 25 Novembre, 1893.

DUFFERIN AND AVA.

JULES DEVELLE.

NOTES exchanged between the British and French Governments, renouncing the intention of securing exclusive Privileges in the State of Kyaing Hung.—Paris, December 1, 1893.

The Marquess of Dufferin to M. Develle.

MY DEAR M. DEVELLE,

Paris, December 1, 1893.

IN answer to the question that you were good enough to address to me on Tuesday, with reference to the rumour that we had come to an agreement with China concerning the State of Kyaing Hung, I beg to inform you that at present no such Treaty has been signed, and that we have no intention of seeking to obtain any monopoly, either for railways, steam-boat companies, or any other mode of transit or communication, to the detriment of any similar French commercial undertakings. It is understood that in the above respects the field is left as open to French as to English enterprise.

In acknowledging the receipt of this note, perhaps you will kindly intimate the willingness of the French Government to accede to a reciprocal engagement.

Believe me, &c.,

M. Develle.

DUFFERIN AND AVA.

M. Develle to the Marquess of Dufferin.

CHER LORD DUFFERIN,

Paris, le 1^{er} Décembre, 1893.

VOUS avez bien voulu me faire savoir, par votre lettre de ce jour, qu'aucun Traité n'a été signé jusqu'ici entre la Grande-Bretagne et la Chine au sujet de l'État de Xieng Hung, et que l'Angleterre n'a nullement l'intention de chercher à obtenir aucun monopole, soit pour les chemins-de-fer ou compagnies de navigation, soit pour tout autre mode de transit ou communication, au détriment d'entreprises commerciales Françaises de même ordre. Il est entendu que le champ devra demeurer libre, à cet égard, pour les entreprises Françaises et Anglaises. Je m'empresse de vous accuser réception

de cette communication, dont je prends acte bien volontiers. Réciproquement et conformément à votre demande, j'ai l'honneur de vous faire savoir que la délimitation des possessions Françaises du côté de Xieng Hung n'a pas encore été faite, mais que, dans les négociations que le Gouvernement de la République aura à suivre, à ce sujet, avec le Gouvernement Chinois, il compte se guider d'après les principes mêmes que vous avez bien voulu énoncer dans votre lettre de ce jour, et auxquels je ne peux qu'adhérer sans réserve.

Agréez, &c.,

Le Marquis de Dufferin.

J. DEVELLE.

*AGREEMENT between Great Britain and Germany, respecting the Rio del Rey on the West Coast of Africa.—Signed at Berlin, April 14, 1893.**

THE Undersigned :

1. The Honourable P. Le Poer Trench, Her Britannic Majesty's Chargé d'Affaires and First Secretary of Embassy ;
2. Sir Claude MacDonald, Her Britannic Majesty's Commissioner and Consul-General of the Oil Rivers Protectorate ;
3. Dr. Kayser, Privy Councillor, Chief of the Colonial Department of the Imperial German Foreign Office ;
4. B. von Schuckmann, Imperial Councillor in the Foreign Office ;

After discussion of various questions affecting the fiscal interests of Germany and Great Britain in their respective territories in the Gulf of Guinea, and without prejudice to the conditions laid down in section 2, Article IV, of the Anglo-German Agreement of the 1st July, 1890,† as also the conditions laid down in the Anglo-German Agreements of the ^{20th April}_{7th May}, 1885,‡ and the ^{27th July}_{2nd August}, 1886,§ have come to the following Agreement on behalf of their respective Governments :—

ART. I. That the point named in section 2, Article IV of the Anglo-German Agreement of the 1st July, 1890, as the head or upper end of the Rio del Rey Creek shall be the point at the north-west end of the island lying to the west of Oron, where the two waterways, named Urufan and Ikankan, on the German Admiralty Chart of 1889-90, meet.

II. From this upper end of the Rio del Rey to the sea, that is to say, to the promontory marked West Huk on the above-mentioned

* Signed also in the German language.

† Vol. LXXXII, page 35.

‡ Vol. LXXVI, page 772.

§ Vol. LXXVII, page 1049.

chart, the right bank of the Rio del Rey waterway shall be the boundary between the Oil Rivers Protectorate and the Colony of the Cameroons.

III. The German Colonial Administration engages not to allow any trade settlements to exist or be erected on the right bank of the Rio del Rey Creek or waterway. In like manner, the Administration of the Oil Rivers Protectorate engages not to allow any trade settlements to exist or be erected on the western bank of the Backasay (Bakassey) Peninsula from the first creek below Archibong's (Arsibon's) village to the sea, and eastwards from this bank to the Rio del Rey waterway.

Berlin, April 14, 1893.

(L.S.) P. LE POER TRENCH.

(L.S.) CLAUDE M. MACDONALD.

(L.S.) DR. KAYSER.

(L.S.) B. v. SCHUCKMANN.

*AGREEMENT between Great Britain and Germany, respecting Boundaries in East Africa.—Signed at Berlin, July 25, 1893.**

THE Undersigned, Sir Edward Baldwin Malet, Her Britannic Majesty's Ambassador Extraordinary and Plenipotentiary; Mr. Charles Stewart Smith, Her Britannic Majesty's Consul at Zanzibar; Baron Marschall von Bieberstein, Privy Councillor, Imperial German Secretary of State for Foreign Affairs; and Dr. Carl Peters, Imperial Commissioner, have agreed, on behalf of their respective Governments, in partial execution of the provisions of Article I of the Anglo-German Agreement of the 1st July, 1890,† that the boundary between the British and German spheres of interest in East Africa from the Indian Ocean to the northern side of the Kilimandsharo shall run as follows:—

§ 1. On the coast the line shall start from the high-water mark on Ras Jimbo, and shall run from thence in a straight line to the point where the parallel of 3° 40' 40·3" S. (astronomically determined) cuts the eastern bank of Lake Jipe. But on the coast the boundary shall be deflected as follows: It shall run from the Indian Ocean along the northern bank of the Jimbo Creek, making the foreshore in the British sphere, as far as the eastern mouth of the Ngobwe Ndogo. It shall then follow the eastern bank of the

* Signed also in the German language.

† Vol. LXXXII, page 35.

Ngobwe Creek to its end, and then run to the point where the above-described straight line from Ras Jimbo to Lake Jipe meets the rising ground on which the village of Jasini stands.

§ 2. From the point on Lake Jipe described in § 1 the boundary-line shall follow the eastern side of Lake Jipe, and round the northern side of the lake, crossing the River Lumi, and following the northern bank of the Rufu River (by which is also understood its swamp), as far as the point which is distant 1 English mile east of the German road going from the Marangu station to the coast. From thence it shall run to the summit of Chala Hill in the manner shown in the annexed map. The boundary-line shall then bisect the Chala Lake. From the north side of the Chala Lake onwards the boundary-line shall run parallel to the track, as shown in the annexed map, and 1 English mile west of it, as far as the latitude of the so-called Useri Camp. It shall then run at a distance of 1 kilom. south-west of the track shown in the annexed map as going to Laitokitok, as far as the point where it crosses the Ngare Longei (Rongei).

§ 3. With reference to the annexed maps, the provisions of the attached Protocol of the 8th instant shall hold good.

Berlin, the 25th July, 1893.

(L.S.) EDWARD B. MALET.

(L.S.) CHARLES STEWART SMITH.

(L.S.) FREIHERR VON MARSCHALL.

(L.S.) CARL PETERS.

PROTOCOL of July 8, 1893, referred to in the above Agreement.

THE Undersigned, Mr. Charles Stewart Smith, Her Britannic Majesty's Consul at Zanzibar, the British Commissioner, and Dr. Carl Peters, the Imperial German Commissioner for the delimitation of the Anglo-German boundary in East Equatorial Africa, agree to adopt as the basis for the negotiations respecting the Anglo-German boundary in East Equatorial Africa the maps constructed on the triangulation of Commissioner Smith, together with the survey of the neighbourhood of Vanga conducted by Lieutenant Fromm, of the Imperial German navy.

The future correction of mistakes, if such should be proved to exist by further examination, is mutually reserved.

Berlin, the 8th July, 1893.

(L.S.) C. S. SMITH, *British Commissioner.*

(L.S.) DR. CARL PETERS, *Kaiserlicher Kommissar.*

*AGREEMENT between Great Britain and Germany, respecting Boundaries in Africa.—Signed at Berlin, November 15, 1893.**

THE Undersigned,

1. Mr. Martin Gosselin, Her Britannic Majesty's Chargé d'Affaires ;

2. Baron von Marschall, Actual Privy Councillor, Imperial German Secretary of State for Foreign Affairs ;

After discussion of points connected with the question of the delimitation of the boundary between the territories under the influence of their respective Governments in the region extending into the interior from the Gulf of Guinea, which question has already been partially determined by the Anglo-German Agreements of the ^{20th April}_{7th May}, 1885,† ^{27th July}_{2nd August}, 1886,‡ 1st July, 1890,§ and 14th April, 1893,|| have come to the following Agreement on behalf of their respective Governments :—

ART. I. The above-quoted Agreement of 1886 having stipulated that the point where the boundary shall reach the River Benue shall be fixed to such a point to the east of, and close to, Yola as may be found on examination to be practically suited for the demarcation of a boundary, that point shall be fixed as follows :—

The boundary, drawn from the point on the right bank of the Old Calabar or Cross River, about 9° 8' of longitude east of Greenwich, marked "Rapids" in the English Admiralty Chart referred to in the above-quoted Agreement of 1885, shall follow a straight line directed towards the centre of the present town of Yola.

From that centre a measuring line shall be drawn to a point on the left bank of the River Benue 5 kilom. below the centre of the main mouth of River Faro ; from the latter point the circumference of a circle, the centre of which is that of the present town of Yola, and the radius of which is the aforesaid measuring line, shall be described south of the Benue, continuing till it shall meet the straight line drawn from the Old Calabar or Cross River. The boundary, deflecting from that straight line at this point of intersection, shall follow the circumference of the circle till it shall arrive at the point where the circumference reaches the Benue. This point on the Benue shall henceforth be accepted as the point to the east of, and close to, Yola, mentioned in the Agreement of 1886.

II. The boundary determined in the preceding Article shall be continued northward as follows :—

* Signed also in the German language.

† Vol. LXXVI, page 772.

‡ Vol. LXXVII, page 1049.

§ Vol. LXXXII, page 35.

|| Page 38.

A line shall be drawn from the point on the left bank of the River Benue fixed in that Article, which, crossing the river, shall go direct to the point where the 13th degree of longitude east of Greenwich is intersected by the 10th degree of north latitude. From that point it shall go direct to a point on the southern shore of Lake Chad, situated 35 minutes east of the meridian of the centre of the town of Kuka, this being the distance between the meridian of Kuka and the 14th meridian east of Greenwich measured on the map published in the German "Kolonialatlas" of 1892.

In the event of future surveys showing that a point so fixed assigns to the British sphere a less proportion of the southern shore of Lake Chad than is shown in the aforesaid map, a new terminal point making good such deficiency, and as far as possible in accordance with that at present indicated, shall be fixed as soon as possible by mutual agreement. Until such agreement is arrived at the point on the southern shore of Lake Chad situated 35 minutes east of the meridian of the centre of the town of Kuka shall be the terminal point.

III. Any part of the line of demarcation traced in this Agreement, and in the preceding Agreements above quoted, shall be subject to rectification by agreement between the two Powers.

IV. The territories to the west of the boundary-line traced in the present Agreement, and in the preceding above-quoted Agreements, shall fall within the British sphere of influence, those to the east of the line shall fall within the German sphere of interest.

It is, however, agreed that the influence of Germany in respect to her relations with Great Britain shall not extend eastwards beyond the basin of the River Shari, and that Darfur, Kordofan, and Bahr-el-Ghazal, as defined in the map published in October 1891 by Justus Perthes, shall be excluded from her influence, even if affluents of the Shari shall be found to lie within them.

V. The two Powers take, as regards the extended spheres of influence traced in the present Agreement, a similar engagement, as regards their respective spheres, to that taken in the preceding above-quoted Agreements.

They agree that neither will interfere with the sphere of influence of the other, and that one Power will not, in the sphere of the other, make acquisitions, conclude Treaties, accept sovereign rights or Protectorates, or hinder or dispute the influence of the other.

VI. Great Britain recognizes her obligation to apply, as regards the portion of the waters of the Niger and its affluents under her sovereignty or protection, the provisions relating to freedom of navigation enumerated in Articles XXVI, XXVII, XXVIII, XXIX, XXX, and XXXIII of the Act of Berlin of the 26th February,

1885.* Germany on her side recognizes her obligation, under Article XXXII, to be bound by those provisions as regards the portion of the waters under her control.

Berlin, the 15th November, 1893.

(L.S.) MARTIN GOSSELIN.

(L.S.) FREIHERR VON MARSCHALL.

AGREEMENT supplementary to the Convention concluded on the $\frac{7}{13}$ th December, 1885,† between the General Post Office of the United Kingdom of Great Britain and Ireland and the Imperial German Post Office for the Exchange of Postal Parcels.—Signed at London, November 29, and at Berlin, December 10, 1893.

ART. I. On and after the 1st January, 1894, postal parcels exchanged under the Convention of the $\frac{7}{13}$ th December, 1885, between the Postal Administrations of Germany and the United Kingdom of Great Britain and Ireland may be insured up to the sum of 1,000 marks or 50*l.* (1,250 fr.).

II.—1. On insured parcels there must be paid, at the same time as the postage and in addition to it, the under-mentioned insurance fees for every 300 fr. (240 marks or 12*l.*) or fraction of 300 fr. of insured value.

(a.) In Germany—

20 centimes on parcels transmitted by the direct sea route, and 25 centimes on parcels transmitted viâ Belgium.

(b.) In the United Kingdom—

5*d.* for the first 300 fr.; and

2½*d.* for each additional 300 fr. or fraction thereof, without distinction of route.

2. The revenue from insurance fees is retained by the Administration which collects them, that is, by the Post Office of the country where the parcels originate.

3. Out of its receipts this Administration has to pay as insurance fee to the Administration of the country of destination 5 centimes for every 300 fr., or fraction of 300 fr., insured value per parcel, and has also to defray the insurance fees proper to the land and sea transit of the parcels.

III.—1. In case of the redirection or return of insured postal parcels, on which a fresh postage is collected from the sender or addressee under Article IX of the Convention of the $\frac{7}{13}$ th December, 1885, a new insurance fee is charged.

* Vol. LXXVI, page 4.

† Vol. LXXVI, page 108.

2. The amount of this fee and its apportionment among the Administrations taking part in the subsequent transmission shall be in accordance with the sums mentioned in the preceding Article II, sections 1 and 3.

IV. The payment of compensation for the loss or damage of insured postal parcels shall follow the rules laid down in Article XI of the Convention of the $\frac{7}{13}$ th December, 1885; but the compensation to be paid in the case of any one parcel shall not exceed the amount for which it has been insured.

V. The two Administrations will mutually serve as intermediaries for the transmission of insured postal parcels to the other countries with which they severally maintain a similar exchange. They will come to an understanding hereafter as to the rates of postage and insurance and the other conditions upon which they can undertake to act as intermediaries in particular cases. These rates and conditions shall, however, in no case be less favourable than those which the Administrations have obtained for their own service with the countries in question.

VI. In the case of all parcels containing coin, objects of gold or silver, or other precious articles, exchanged between Germany and the United Kingdom, insurance is obligatory. If such a parcel is handed over uninsured by one Administration to the other, the latter Administration proceeds in the manner and with the formalities prescribed by its law and inland regulations.

VII.—1. No parcel may be insured for an amount above the real value of its contents.

2. In case the sender of an insured parcel, with intent to defraud, declares the contents to be above their real value, he loses all claim to compensation; and the enforcement of this rule does not prejudice any judicial proceedings of which the law of the country of origin may admit.

VIII. The provisions of the Convention of the $\frac{7}{13}$ th December, 1885, remain generally applicable to insured postal parcels. Moreover, the following additional detailed regulations are applicable to such parcels:—

1. Every insured parcel must bear on the cover and also on the despatch note a statement of the sum for which it is insured, without erasure or addition even if certified. When this statement is made in German or English money the sender or the Post Office of the country of origin must indicate by new figures, placed by the side of or below the others, the equivalent of the amount in francs and centimes.

2. The same despatch note may not be used with both insured and uninsured parcels.

3. The exact weight of an insured parcel in kilogrammes and

grammes must be entered by the office of origin both on the cover of the parcel and on the dispatch note in the place provided for the purpose.

4. Each insured parcel must bear a red label with the word "insured" or "valeur déclarée" upon it.

5. The labels on parcels containing coin, articles of gold or silver, jewellery or other precious objects, must be so placed that they cannot serve to conceal injuries to the cover. They must not be folded over two sides of the cover so as to hide the edge. The address of such parcels must be written on the actual covering of the parcel.

6. The parcel bills used for the parcel post service between Germany and the United Kingdom shall be enlarged by the addition of columns for the entry of the weight of insured parcels and the sum in francs and centimes for which they are insured.

Done in duplicate at London on the 29th day of November, 1893, and at Berlin on the 10th day of December, 1893.

(L.S.) ARNOLD MORLEY.

(L.S.) v. STEPHAN.

AGREEMENT between the Postmaster-General of the United Kingdom of Great Britain and Ireland and the Minister of State for Communications of the Empire of Japan for increasing the Limit of Weight of Packets of Patterns or Samples of Merchandize exchanged through the Post between British Colonies and Possessions (except India, Canada, and the Australasian Colonies) and Japan.—Signed at London, April 27, and at Tôkiô, June 19, 1893.

THE Postmaster-General of the United Kingdom of Great Britain and Ireland, and the Minister of State for Communications of the Empire of Japan, being desirous of facilitating the postal relations between British Colonies and possessions and the Empire of Japan, and in exercise of the power given to them under Article V of the Convention of the Universal Postal Union concluded in Vienna on the 4th day of July, 1891;*

Have agreed as follows:—

The limit of weight of packets of patterns or samples of merchandize exchanged by post between British Colonies and posses-

* Vol. LXXXIII, page 513.

sions (except India, Canada, and the Australasian Colonies) on the one part, and the Empire of Japan on the other part, shall be increased from 250 grammes to 350 grammes.

The present Agreement shall take effect on the 1st day of July, 1893.

Done in duplicate and signed at London on the 27th day of April, 1893, and at Tôkiô on the 19th day of June, 1893.

(L.S.) ARNOLD MORLEY.

(L.S.) COUNT KURODA KUJOTAKA.

AGREEMENT between the Post Office of the United Kingdom of Great Britain and Ireland and the Post Office of Liberia, for the Exchange of Postal Parcels uninsured and without collection of value on delivery.—Signed at London, March 14, 1893.

THE Post Office of the United Kingdom of Great Britain and Ireland and the Post Office of Liberia agree to effect a regular exchange of parcels uninsured and without collection of value on delivery between Great Britain and Liberia.

The conditions of the exchange of parcels, both as regards parcels exchanged direct between Great Britain and Liberia and as regards parcels in transit, are determined by the following regulations:—

ART. I.—1. Parcels uninsured and without collection of value on delivery may be forwarded, under the denomination of postal parcels, between the United Kingdom and Liberia up to the weight of 11 pounds avoirdupois.

2. The two Administrations shall determine the conditions as to packing, dimensions, &c., under which the parcels are allowed to circulate, and also the classes of articles which are prohibited.

II.—1. Each of the contracting countries guarantees the transit of parcels over its territory to or from any country with which such contracting party has parcel post arrangements; and the Offices which take part in the conveyance are held responsible within the limits determined by Article VIII below.

2. In the absence of any arrangement to the contrary between the Offices concerned, the conveyance of the postal parcels between the two countries will be effected in closed bags, boxes, or baskets, the cost of which shall be shared equally between the two Administrations.

III. The prepayment of the postage on postal parcels is compulsory.

IV.—1. The postage upon parcels from the United Kingdom for Liberia, or vice versâ, is divided as follows:—

(a.)—*For parcels not exceeding 3 lb.*

	Fr.	c.
British territorial rate.. .. .	0	50
Sea rate	1	00
Liberian territorial rate	0	50
Rate for delivery and Customs formalities	0	25
Total	2	25

(b.)—*For parcels exceeding 3 lb. and not exceeding 7 lb.*

	Fr.	c.
British territorial rate.. .. .	1	00
Sea rate	2	00
Liberian territorial rate	1	00
Rate for delivery and Customs formalities	0	25
Total	4	25

(c.)—*For parcels exceeding 7 lb. and not exceeding 11 lb.*

	Fr.	c.
British territorial rate.. .. .	1	50
Sea rate.. .. .	3	00
Liberian territorial rate	1	50
Rate for delivery and Customs formalities	0	25
Total	6	25

2. On parcels from Liberia for the United Kingdom the Post Office of Liberia will credit the Post Office of the United Kingdom with the amount of the British territorial rate, the sea rate, and the rate for delivery and customs formalities; while on parcels from the United Kingdom for Liberia the Post Office of the United Kingdom will credit the Post Office of Liberia with the amount of the Liberian territorial rate and the rate for delivery and Customs formalities.

V.—1. Parcels originating in either of the contracting countries addressed to the other contracting country cannot be subjected to any postal charge other than those contemplated by the foregoing Article IV and by Article VI following.

2. The two Postal Administrations shall fix, by common consent, the conditions under which there may be exchanged between their respective offices of exchange postal parcels originating in or ad-

dressed to foreign countries and sent in transit through one or the other country.

VI. The re-direction of postal parcels from one country to another, in consequence of the removal of the addressees, as well as the return of undelivered postal parcels, gives rise to a supplementary charge of the rates fixed by Article IV against the addressees or the senders, as the case may be, without prejudice to the claim for reimbursement of the Customs duties paid.

VII.—1. It is forbidden to send by post parcels containing letters, or notes having the character of private correspondence, or articles the admission of which is not authorized by the Customs or other laws or regulations of the countries concerned.

2. It is, however, permitted to enclose in a parcel an open invoice in its simplest form.

VIII.—1. Except in cases beyond control, when a postal parcel has been lost or damaged, the sender, or, in default or at the request of the sender, the addressee, is entitled to an indemnity corresponding with the actual amount of the loss or damage; provided always that this indemnity may not exceed 25 francs. The sender of a lost parcel has the right also to have the postage refunded to him.

2. The obligation of paying the indemnity rests with the Administration to which the despatching office is subordinate. That Administration has its remedy against the responsible Administration, that is to say, against the Administration on the territory or in the service of which the loss or the damage took place.

3. Until the contrary be proved, the responsibility rests with the Administration which, having received the parcel without making any observation, is unable to establish either the delivery to the addressee or the regular transfer to the following Administration, as the case may be.

4. The payment of the indemnity by the despatching office shall take place as soon as possible, and at the latest within a year of the date of the application. The responsible office is bound to refund to the despatching office, without delay, the amount of the indemnity paid by the latter.

5. It is understood that the application for an indemnity is only entertained if made within a year of the posting of the parcel; after this term the applicant has no right to any indemnity.

6. If a parcel is lost or damaged in course of transmission between the two countries without its being possible to prove in whose service the loss or damage took place, the two Administrations shall each pay half the indemnity.

7. The Administrations cease to be responsible for postal parcels of which the owners have accepted delivery.

IX. In the event of either office desiring to adopt a system of

insurance, both Post Offices engage to use their best endeavours to that end.

X. The internal legislation of each of the Contracting Countries remains applicable as regards everything not provided for by the stipulations contained in the present Agreement.

XI. The Administrations of the Contracting Countries indicate the offices or localities which they admit to the international exchange of postal parcels; they regulate the mode of transmission of those parcels, and fix all other measures of detail and order necessary for ensuring the performance of the present Agreement.

XII.—1. The present Agreement shall come into operation on a date to be subsequently fixed by the two Post Offices, and shall remain in force until one of the Contracting Parties shall have announced to the other, one year in advance, its intention to determine it.

In witness whereof the Undersigned, duly authorised for that purpose, have signed the present Agreement.

Done in duplicate at London, the 14th day of March, 1893.

(L.S.) ARNOLD MORLEY.

(L.S.) HENRY HAYMAN.

Detailed Regulations for the Exchange of Postal Parcels, uninsured and without collection of value on delivery, between the United Kingdom of Great Britain and Ireland and the Republic of Liberia.—Signed at London, March 14, 1893.

I.—1. The direct exchange of postal parcels between Great Britain and Liberia is effected by the vessels of the African Steam Ship Company and the British and African Steam Navigation Company under contract with the Post Office of the United Kingdom.

2. After arrangement, if need be, with the other offices concerned, each Administration communicates to the other, as follows:

(a.) A list of the countries with which postal parcels may be exchanged through its territory.

(b.) The routes of conveyance available for such postal parcels.

(c.) The sum total of the payments for which the Administration from which the parcels are received is responsible on account of each country.

3. In conformity with this information each Administration fixes the routes to be employed for the transmission of its postal parcels, and determines the payments to be collected from the senders according to the regulations governing the transit correspondence.

II.—1. The collection of rates is based upon the unit of 50 [1892–93. LXXXV.]

centimes, the equivalent of 5 pence in the United Kingdom and 10 cents in Liberia.

2. The postage to be collected, including the rate for delivery to destination, is therefore as follows:—

(a.) From the United Kingdom:—

For parcels not exceeding 3 lb. avoirdupois, 1s. 10d.

For parcels exceeding 3 lb. and not exceeding 7 lb. avoirdupois, 3s. 6d.

For parcels exceeding 7 lb. and not exceeding 11 lb. avoirdupois, 5s. 2d.

(b.) From Liberia:—

For parcels not exceeding 3 lb. avoirdupois, 44 cents.

For parcels exceeding 3 lb. and not exceeding 7 lb. avoirdupois, 84 cents.

For parcels exceeding 7 lb. and not exceeding 11 lb. avoirdupois, 1 dollar 24 cents.

3. When prepayment has not been effected by postage stamps affixed to the despatch-note, the amount of the sum received must be inscribed on the despatch-note.

III.—1. The dimensions of parcels exchanged between the United Kingdom and Liberia may not exceed 2 ft. in any direction.

2. The dimensions of transit parcels, that is, those sent from one contracting country to another country through the territory of the other contracting country, will be regulated by the dimensions allowed, in each case, by the rule in force in the country to which the parcel is addressed.

IV.—1. In order to be accepted for transmission, each parcel must bear the full address of the addressee, must be packed with due regard to the length of the journey and the nature of the contents, and must be sealed. The packing must be such that it is impossible to get at the contents without leaving an evident trace of violation.

2. Parcels containing live animals, explosive or combustible matter, and, in general, articles the transmission of which is attended with danger, are excluded from transmission.

3. No parcel may consist of or contain two or more parcels or other postal packets addressed to different persons at different addresses. If such a parcel be discovered, the contents will be sent forward charged with postage at the rates applicable to such contents respectively.

V.—1. Each parcel must be accompanied by a dispatch-note and by Customs declarations, in conformity with or analogous to specimens (B) and (C) hereto appended. The Administrations inform each other of the number of Customs declarations to be furnished for each destination.

2. One dispatch-note and one set of Customs declarations will suffice for two or three parcels from the same sender to the same addressee.

3. The Administrations decline all responsibility as to the correctness of the Customs declarations.

VI.—1. Each parcel, as well as the dispatch-note relating to it, must bear a label in conformity with, or analogous to, specimen (D) hereto annexed, indicating the registered number and the name of the office of posting.

2. The dispatch-note of parcels is moreover impressed by the Office of origin, on the address side, with a stamp indicating the place and date of posting.

VII.—1. The Offices of Exchange are in the United Kingdom, Liverpool, and in Liberia, Monrovia.

2. The transmission of parcels between the English and Liberian Offices of Exchange takes place by means of closed bags, boxes, or baskets, which must be returned to the dispatching Office by the next mail after their receipt.

3. The postal parcels are entered by the dispatching Office of Exchange on a parcel-bill, in conformity with specimen (E) annexed to the present Regulations, with all the details required by that form. The dispatch-notes and the Customs declarations must be securely attached to the parcel bill.

4. The two Administrations may, however, agree to make arrangements other than those formulated in the present Article.

VIII.—1. On the receipt of a parcel-bill, the receiving Office of Exchange proceeds to verify the postal parcels and the various documents entered on it, and, if needful, to record missing articles or other irregularities, by means of a verification certificate in conformity with specimen (A) annexed, acting in accordance with the rules laid down for registered articles.

2. The bags, boxes, or baskets used for the mails are secured with the seals of the dispatching Office of Exchange, and such seals must only be removed by the Office of Exchange of destination.

3. The persons through whose hands the parcel mails pass during transmission between the Offices of Exchange do no more than assure themselves that the seals attached to the bags, boxes, or baskets when received by them are intact.

4. Responsibility for damaged or missing articles discovered by the arrival Office of Exchange at the time of opening the bags, boxes, or baskets, falls upon the Administration to which the dispatching Office of Exchange is subordinate, unless it be proved that the articles were damaged or lost while in the custody of the other Administration.

IX.—1. Mis-sent parcels are forwarded to their destination by

the most direct route at the disposal of the Office re-transmitting them. When this re-transmission involves the return of the parcels to the Office of origin, the amounts credited in the parcel-bill of that Office are cancelled, and the re-transmitting Office of exchange sends these articles to the Office of origin, simply recording them on the parcel-bill, after having called attention to the error by means of a verification certificate.

2. In other cases, if the amount credited to the re-transmitting Office is insufficient to cover the expenses of re-transmission which it has to defray, it recovers the difference by raising the amount entered to its credit in the parcel-bill of the dispatching Office of Exchange. The reason for this rectification is notified to the said Office by means of a verification certificate.

3. Postal parcels re-directed, in consequence of the removal of the addressees to a country which participates in the exchange of postal parcels with Great Britain and Liberia, are subjected by the delivering Office to a charge, to be paid by the addressees, representing the sum due to this latter Office, to the re-directing Office, and to each intermediary Office if there be any.

4. But if the amount chargeable for the further conveyance of a re-directed parcel is paid at the time of its re-direction, the parcel is dealt with as if it had been addressed direct from the re-transmitting country to the country of destination, and delivered without any postal charge to the addressee.

5. The senders of parcels which cannot be delivered shall be consulted as to the manner in which they wish to dispose of them. Communications on the subject shall be exchanged direct between the two Administrations.

6. Articles liable to deterioration or corruption may, however, be sold immediately, without previous notice or judicial formality, for the benefit of the right party. An account of the sale is drawn up.

7. If, within six months after the despatch of a letter of inquiry, the Office of destination has not received instructions from the sender, the parcel will be returned to the Office of origin.

8. Parcels which have to be returned to the sender are entered on the parcel-bill with the addition of the word "Undelivered" in the column for observations. They are dealt with and taxed like articles re-directed in consequence of the removal of the addressees.

9. Postal parcels, the addressees of which have left for a country which has not agreed to the exchange of parcels between Great Britain and Liberia, are dealt with as undeliverable, unless the Office of the first destination be in a position to forward the parcel to the addressee.

X.—1. Each Administration causes its exchanging Office to prepare monthly for all the mails received from the exchanging Office of

the other Administration a statement of the sums entered on each parcel-bill, in conformity with specimen (F) appended to the present Regulations.

2. The statements (F) are afterwards recapitulated by the same Administration in an account, specimen (G), also appended to the present Regulations.

3. This account, accompanied by the monthly statements, the parcel-bills, and, if any, the verification certificates relating thereto, is submitted to the examination of the corresponding Office in the course of the month which follows that to which it relates.

4. The monthly accounts, after having been verified and accepted on both sides, are included in a general quarterly account by the Office to which the balance is due.

5. The payment resulting from the balance of the accounts between the two Offices is made by the indebted Office in specie, and by means of bills drawn on the capital, or one of the commercial towns of the country to which the balance is due; the expense attendant on the payment being at the charge of the indebted Office.

6. The drawing up, transmission, and payment of the accounts must be effected as early as possible, and at the latest before the expiration of the following quarter. After the expiration of this term, the sums due from one Office to the other bear interest at the rate of 5 per cent. per annum, to be reckoned from the date of the expiration of the said term.

7. The option is, however, reserved to the two Administrations of adopting, by mutual consent, measures other than those formulated in the present Article.

XI.—1. The Administrations shall reciprocally communicate to each other, some time before the execution of the Agreement, an extract of their laws and regulations relating to the conveyance of postal parcels.

2. Every subsequent modification effected in these Regulations must be notified without delay.

XII. The present detailed Regulations shall take effect on the date when the Agreement comes into force.

They shall have the same duration as the Agreement unless, by common agreement between the Administrations concerned, they shall be renewed.

Done in duplicate at London, the 14th day of March, 1893.

(L.S.) ARNOLD MORLEY.

(L.S.) HENRY HAYMAN.

*AGREEMENT between the Post Office of the United Kingdom of Great Britain and Ireland and the Post Office of the Grand Duchy of Luxemburg for the Exchange of Money Orders.—Signed at London, January 23, and at Luxemburg, January 24, 1893.**

THE Undersigned, being duly authorized, have concluded the following Agreement:—

ART. I. Between the United Kingdom of Great Britain and Ireland and the Grand Duchy of Luxemburg there shall be a regular exchange of money orders.

II. The money order service between the contracting countries shall be performed exclusively by the agency of Offices of Exchange. On the part of the United Kingdom the Office of Exchange shall be that of London, and on the part of the Grand Duchy of Luxemburg that of Luxemburg-gare.

III. In all transactions between the contracting countries under this Agreement the French currency of francs and centimes shall be employed.

IV. The maximum amount for which a money order may be drawn in each country shall be 252 francs, or the nearest equivalent of that sum in the money of the country of issue.

V. All payments for money orders, whether to or by the public, if not in gold, shall be made to the nearest practicable equivalent.

VI. The conversion of the moneys of the two countries shall be in accordance with the average rate of exchange, which it is agreed shall be taken at present at 25 francs 20 centimes to the 1*l.* sterling. This rate of exchange may, however, be varied by mutual agreement of the contracting offices.

VII. The British Post Office and the Post Office of the Grand Duchy of Luxemburg shall each have the power to fix, from time to time, the rates of commission to be charged on all money orders they may respectively issue. The commission shall belong to the issuing office; but the British Post Office shall pay to the Post Office of the Grand Duchy of Luxemburg one-half of one per cent. ($\frac{1}{2}$ per cent.) on the amount of money orders issued in the United Kingdom and payable in the Grand Duchy of Luxemburg; and the Post Office of the Grand Duchy of Luxemburg shall make a like payment to the British Post Office for money orders issued in the Grand Duchy of Luxemburg and payable in the United Kingdom.

VIII. In the payment of money orders to the public, no account shall be taken of any fraction of a penny or of a centime.

* Signed also in the French language.

IX. No money order shall be issued unless the applicant furnish, in full, the surname, Christian name (or at least the initial of the Christian name) both of the remitter and of the payee, or the name of the firm or company who are the remitters or payees, and the address of the remitter and payee.

X. In the event of a money order being lost or destroyed, a duplicate shall be granted on receipt of a written application from the payee (containing the necessary particulars) to the Chief Money Order Office of the country where the original order was payable, and such Chief Office shall be authorized to demand, in every such case, a new commission, unless the order shall have been lost in transmission through the post.

On the receipt of an application containing the same particulars from the remitter, instructions shall be given to stop payment of a money order.

XI. When it is desired that an error in the name of a payee shall be corrected, or that the amount of a money order shall be repaid to the remitter, application must be made by the remitter to the Chief Office of the country in which the order was issued.

XII. Repayment of an order shall not, in any case, be made until it has been ascertained, through the Chief Office of the country where such order is payable, that the order has not been paid.

XIII. Orders shall be payable in each country for twelve months after the expiration of the month of issue. The amounts of all money orders not paid before the expiration of that term shall revert to, and remain the property of, the Administration of the country of issue. The sums of money converted into money orders are guaranteed to the remitters until they shall have been paid in accordance with the regulations existing in the country of payment.

XIV. The Offices of Exchange shall communicate to each other daily, by the night mail, the sums received in either country for payment in the other. They shall use for this purpose the form of List (A) annexed.

There shall not be entered on the same list sums received relating to two different months. Sums received towards the end of the month, and not reaching the Office of Exchange until the first days of the following month, shall be entered and communicated to the Office of Exchange of the country to which they are sent on separate lists, supplementary to the ordinary list, dated the last day of the month in which the sums were received.

A blank list shall be transmitted by the mail named above in case there shall be no payment to announce.

XV. Every money order entered upon the lists shall bear a

number (to be known as the "international number") commencing each month with No. 1.

Similarly, each list shall bear a serial number, commencing every year with No. 1.

XVI. The receipt of each list shall be acknowledged on either side by means of the first subsequent list forwarded in the opposite direction; and the lists which fail to be received shall be immediately applied for by the Office of Exchange to which they have been sent.

The dispatching Office of Exchange shall then transmit, without delay, to the receiving Office of Exchange a duplicate list, duly certified as such.

XVII. The lists shall be carefully verified by the Office of Exchange to which they are sent, and corrected when they contain manifest errors. The corrections shall be communicated to the dispatching Office of Exchange in the acknowledgment of the receipt of the list in which the corrections were made.

When these lists show other irregularities, the Office of Exchange receiving them shall require an explanation from the dispatching Office of Exchange, which shall give such explanation with as little delay as possible.

In the meantime the issue of internal money orders relating to the entries on the list found to be irregular shall be suspended.

XVIII. As soon as the list shall have reached the receiving Office of Exchange, that Office shall prepare internal money orders in favour of the payees, for the equivalents, in the money of the country of payment, of the amounts specified in the list, and shall then forward such internal money orders to the payees, or to the paying offices, in conformity with the arrangements existing in each country for the payment of money orders.

XIX. At the end of every month each Office of Exchange shall prepare—

1. A detailed statement showing the total of each list received from the other Office dated in that month.

2. A list showing the particulars of all orders which it has been authorized to repay to the original remitters (see Article XII).

3. A list showing the particulars of all orders issued by the other Office of Exchange, which have ceased to be payable under the conditions laid down in Article XIII.

These detailed accounts, which shall be in accordance with the Forms (B), (C), and (D) annexed, shall be sent in duplicate by the dispatching Office to the other Office of Exchange, which shall verify them, and acknowledge its acceptance of them, communicating to the dispatching Office of Exchange any alterations or corrections which it may be necessary to make therein.

XX. The detailed accounts mentioned in Article XIX shall be incorporated every month by the Post Office of the Grand Duchy of Luxemburg in a general account intended to show the result of the exchange of money orders between the Post Office of the Grand Duchy on the one side and of the United Kingdom on the other side.

This general account (prepared in accordance with the Form (E) annexed) shall be transmitted in duplicate by the Office of the Grand Duchy of Luxemburg to the British Office, which shall return one copy of the account duly accepted.

XXI. When the Post Office of the Grand Duchy of Luxemburg has to pay to the British Office the balance of the general account, the former Office shall pay such balance at the same time that it sends the general account, and a similar course shall be followed by the London Office when it is indebted to the Office of the Grand Duchy of Luxemburg in returning to Luxembourg-ville the duplicate of the general account accepted.

Such payments shall, in the absence of an agreement between the two Administrations as to the adoption of an alternative course, be made by means of bills of exchange payable on demand in the capital of the creditor country and in the gold money of that country, the cost of remittance being borne by the Administration of the debtor country.

Such bills of exchange, when the balance is in favour of the Grand Duchy of Luxemburg, shall be made payable to the *Percepteur du Bureau des Postes à Luxembourg-ville*, and to Her Majesty's Postmaster-General when it is in favour of the United Kingdom.

XXII. The Post Office of Luxemburg shall be at liberty to issue money orders upon any British Colony or foreign State with which it does not transact money order business, but which carries on an exchange of money orders with the British Post Office. Such orders shall be advised at the end of the ordinary advice lists, and their amounts shall be included in the totals of the lists in the same manner as if they were drawn on the United Kingdom. On receipt of the lists the British Post Office shall advise such orders to the Colonies or countries of destination, deducting for its services a certain commission from the amount of each order; the rates of commission so deducted to be communicated by the British Post Office to the Post Office of Luxemburg. In like manner, and under like conditions, the British Post Office may advise money orders to Luxemburg for places with which it does not transact money order business, but which have an exchange of money orders with Luxemburg.

XXIII. The Office of Exchange in each country shall be autho-

rized to adopt any additional rules (if not in contradiction to the foregoing) for the greater security against fraud, or for the better working of the system generally.

All such additional rules, however, must be communicated to the Postal Administration of the other country.

XXIV. Should it appear at any time that money orders are used by mercantile men or other persons in the United Kingdom, or in the Grand Duchy of Luxemburg, for the transmission of large sums of money, the British Office or the Office of the Grand Duchy of Luxemburg, as the case may be, shall be authorized to increase the commission, and shall have power even wholly to suspend for a time the issue of money orders.

XXV. This Agreement shall come into operation on the 1st day of February, 1893, and shall be terminable on a notice by either party of six calendar months.

Done in duplicate, and signed at London on the 23rd day of January, 1893, and at Luxemburg on the 24th day of January, 1893.

(L.S.) ARNOLD MORLEY, *Postmaster-General of the United Kingdom of Great Britain and Ireland.*

(L.S.) MONGENAST, *Directeur-Général des Finances du Grand-Duché de Luxembourg.*

[Specimen Forms annexed.]

*TREATY between Great Britain and Mexico, respecting the Boundary between Mexico and British Honduras.—Signed at Mexico, July 8, 1893.**

[Ratifications exchanged at Mexico, July 21, 1897.]

CONSIDERING that on the 30th April, 1859,† a Treaty was concluded between Her Britannic Majesty and the Republic of Guatemala, Article I of which was as follows :—

“It is agreed between the Republic of Guatemala and Her Britannic Majesty that the boundary between the Republic and the British Settlement and possessions in the Bay of Honduras, as they existed previous to and on the 1st day of January, 1850, and have continued to exist up to the present time, was and is as follows : Beginning at the mouth of the River Sarstoon, in the Bay of

* Signed also in the Spanish language.

† Vol. XLIX, page 7.

Honduras, and proceeding up the mid-channel thereof to Gracias á Dios Falls, then turning to the right and continuing by a line drawn direct from Gracias á Dios Falls to Garbutt's Falls on the River Belize, and from Garbutt's Falls due north until it strikes the Mexican frontier ;”

That on the 27th September, 1882,* the Mexican Republic negotiated a Treaty of Limits with that of Guatemala, and, on fixing the dividing line between both countries in the Yucatan Peninsula, they determined as such the parallel of 17° 49' north, which should run indefinitely towards the east ;

That it is of manifest advantage for the preservation of the friendly relations which happily exist between the High Contracting Parties to define with all clearness what is the Mexican frontier to which Guatemala referred in its Treaty concerning its limits with the British possessions in the Bay of Honduras, and what are in consequence the boundaries of those possessions with Mexico ;

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and the President of the United Mexican States have appointed as their Plenipotentiaries to conclude a Treaty of Limits :

Her Majesty the Queen, Sir Spenser St. John, Knight Commander of St. Michael and St. George, Envoy Extraordinary and Minister Plenipotentiary of Her Britannic Majesty in Mexico ;

And the President of the United Mexican States, Señor Don Ignacio Mariscal, Secretary of State for Foreign Relations ;

Who, after having communicated to each other their full powers, found in due form, have agreed upon the following Articles :—

ART. I. It is agreed between Her Britannic Majesty and the Republic of Mexico that the boundary between the Republic and the Colony of British Honduras was and is as follows :

“ Beginning at Boca Bacalar Chica, the strait which separates the State of Yucatan from Ambergris Cay and its dependent isles, the boundary-line runs in the centre of the channel between the above-mentioned cay and the mainland, south-westward as far as the parallel 18° 9' north, and then north-west midway between two cays, as marked on the annexed map, as far as the parallel of 18° 10' north ; then turning to the westward, continues across the adjoining bay first westward to the meridian of 88° 2' west, then north to the parallel 18° 25' north, again westward to the meridian 88° 18' west, and northward along that meridian to latitude 18° 28½' north, in which is situated the mouth of the River Hondo, which it follows in its deepest channel, passing west of Albion Island, continuing up Blue Creek until the said creek crosses the meridian of Garbutt's

Falls at a point due north of the point where the boundary-lines of Mexico, Guatemala, and British Honduras intersect; and from that point it runs due south to latitude $17^{\circ} 49'$ north, the boundary-line between the Republics of Mexico and Guatemala leaving to the north, in Mexican territory, the so-called River Snosha or Xnokka.

II. Her Britannic Majesty and the Republic of Mexico, in order to facilitate the pacification of the Indian tribes living near the frontiers of Mexico and British Honduras, and to prevent any future insurrections among the same, agree to prohibit in an efficacious manner their subjects or citizens, and the inhabitants of their respective dominions, from furnishing arms or ammunition to these Indian tribes.

III. The British Government and the Government of Mexico agree to use every effort to prevent the Indians living in the respective territories of the two countries from making incursions into the possessions of the other Contracting Party, but neither Government can hold themselves responsible for the acts of those Indian tribes who may be in open rebellion against their authority.

IV. This Treaty shall be ratified by both Parties, and the ratifications exchanged at Mexico as soon as possible.

In witness whereof the Plenipotentiaries have signed the same, and affixed thereto their respective seals.

Done in two originals at the city of Mexico, the 8th day of July, in the year 1893.

(L.S.) SPENSER ST. JOHN.

(L.S.) IGN^o. MARISCAL.

NOTE.—A Complementary Convention relative to the navigation of the territorial waters of British Honduras was signed on the 7th April, 1897, as Article III *bis* of the above Treaty. This will be given in a subsequent volume.

ACCESSION of the Principality of Montenegro to the International Union for the Protection of Literary and Artistic Works.—July 1, 1893.

No. 1.—*M. Bourcart to the Earl of Rosebery—(Received March 14.)*

*Légation de Suisse, Londres,
le 13 Mars, 1893.*

M. LE COMTE,

J'AI l'honneur de remettre à votre Seigneurie une note Circulaire que le Conseil Fédéral a adressée, en date du 9 Mars, aux

Ministères des Affaires Étrangères des États faisant partie de l'Union Internationale pour la Protection des Œuvres Littéraires et Artistiques, pour les informer de l'entrée de la Principauté du Monténégro dans cette Union.

Veuillez, &c.,

Le Comte de Rosebery.

C. D. BOURCART.

(Inclosure.)—The President of the Swiss Confederation to the Earl of Rosebery.

M. LE MINISTRE,

Berne, le 9 Mars, 1893.

NOUS AVONS l'honneur d'informer votre Excellence que le Gouvernement de la Principauté de Monténégro nous a fait connaître sa résolution d'accéder à la Convention Internationale, signée à Berne le 9 Septembre, 1886,* pour la Protection des Œuvres Littéraires et Artistiques.

Sur le désir exprimé par le Gouvernement Monténégrin dans sa note du $\frac{1}{2}\frac{1}{3}$ Février dernier, le 1^{er} Juillet prochain sera considéré comme date d'accession.

En ce qui concerne la contribution aux dépenses du Bureau International de Berne, la Principauté sera rangée dans la sixième classe.

Nous prions votre Excellence de vouloir bien prendre note de ce qui précède, et nous saisissons, &c.,

Au nom du Conseil Fédéral Suisse :

SCHENK, *Président de la Confédération.*

RINGIER, *Chancelier de la Confédération.*

No. 2.—The Earl of Rosebery to M. Bourcart.

M. LE CHARGÉ D'AFFAIRES,

Foreign Office, March 20, 1893.

I HAVE the honour to acknowledge the receipt of your note of the 13th instant, inclosing a communication from the President of the Swiss Confederation, notifying the accession of the Principality of Montenegro to the International Convention for the Protection of Literary and Artistic Works.

I inclose my reply to his Excellency's note, and I beg leave to request that you will transmit the same to its high destination.

I have, &c.,

M. Bourcart.

ROSEBERY.

No. 3.—The Earl of Rosebery to the President of the Swiss Confederation.

SIR,

Foreign Office, March 20, 1893.

I HAVE the honour to acknowledge the receipt of your Excellency's note of the 9th instant, in which you inform me that the Principality of Montenegro has acceded to the International Convention for the Protection of Literary and Artistic Works.

Her Majesty's Government have taken due note of this announcement, in order that the necessary steps may be taken, without delay, for securing to the Principality the privileges accorded in Her Majesty's dominions to States which are parties to the Union.

I have, &c.,

M. Schenk.

ROSEBERY.

*A AGREEMENT supplementary to the Convention of the $\frac{9}{10}$ th March, 1886, between the Post Office of the United Kingdom of Great Britain and Ireland and the Postal Administration of the Netherlands, concerning the Exchange of Postal Parcels.—Signed at London, November 29, and at the Hague, December 16, 1893.**

ART. I.—1. On and after the 1st January, 1894, the postal parcels exchanged between Great Britain and the Netherlands under the Convention of the $\frac{9}{10}$ th March, 1886,† between the Post Office of the United Kingdom of Great Britain and Ireland and the Postal Administration of the Netherlands, may be insured.

2. The two Administrations shall mutually serve as intermediaries for the exchange of insured parcels to and from the other countries with which they respectively maintain similar exchanges. They shall communicate to each other the amount of the insurance fee to be credited in each case, and the other conditions of the service.

II. The maximum amount for which parcels exchanged between the two countries may be insured is 40*l.* in the United Kingdom and 500 *fl.* in the Netherlands.

III. The insurance fee, which shall be paid at the same time as the postage, shall be in the United Kingdom 2½*d.* for each 12*l.*, or fraction of 12*l.*, of insured value, and in the Netherlands 12½ cents for each 150 *fl.*, or fraction of 150 *fl.*, of insured value.

IV. The insurance fee for each 12*l.* or 150 *fl.* of insured value

* Signed also in the Dutch language.

† Vol. LXXVII, page 34.

levied on parcels posted in the United Kingdom addressed to the Netherlands, or posted in the Netherlands addressed to the United Kingdom, shall be apportioned as follows:—

To the office of origin, 10 centimes.

To the office which provides the sea service, 10 centimes.

To the office of destination, 5 centimes.

V. On every insured parcel sent under this Agreement, the Administration of the country of origin may levy a registration fee not exceeding $2\frac{1}{2}d.$ or $12\frac{1}{2}$ cents, to be paid by the sender in addition to the insurance fee. This registration fee shall be retained by the office which levies it.

VI. When an insured parcel is redirected or returned to the office of origin, a new insurance fee is collected from the addressee or the sender, as the case may be.

So far as the relations of the two Administrations are concerned, the amount of the insurance fees on redirected or returned parcels and the apportionment of such amount shall be regulated in the same manner as the amount and apportionment of the fees levied on other parcels passing between the two countries.

VII. Compensation for the loss or damage of insured parcels shall be paid in accordance with Article X of the Convention of the $\frac{2}{10}$ th March, 1886, but the compensation paid in the case of any one parcel shall not exceed the sum for which it has been insured.

VIII. In the case of all parcels containing coin, objects of gold or silver, or other precious articles, exchanged between the United Kingdom and the Netherlands, insurance is obligatory.

If such a parcel is forwarded uninsured, the Administration which delivers it is entitled to collect the proper insurance fee from the addressee, and to retain the same.

IX. No parcel may be insured for an amount above the real value of its contents.

In case the sender of an insured parcel, with intent to defraud, declares the contents to be above their real value, he loses all claim to compensation; and the enforcement of this rule does not prejudice any judicial proceedings of which the law of the country of origin may admit.

X. The provisions of the Convention of the $\frac{2}{10}$ th March, 1886, remain generally applicable to insured postal parcels. Moreover, the following additional detailed regulations are applicable to such parcels:—

1. An insured parcel must bear on the cover, as well as on the dispatch note, a statement of the amount for which it is insured, and no erasure or addition, even if certified, is allowed. When this statement is made in English or Dutch money, the sender or the Post Office of the country of origin must indicate by new figures,

placed beside or below the others, the equivalent of the amount in francs and centimes.

2. The same dispatch-note cannot be used with both insured and uninsured parcels.

3. The exact weight of an insured parcel in kilogrammes and grammes must be entered by the office of origin both on the cover of the parcel and on the dispatch-note in the place provided for the purpose.

4. Each insured parcel must bear a red label with the word "insured" or "valeur déclarée" upon it.

5. The labels on insured parcels containing coin, articles of gold or silver, jewellery, or other precious objects, must be so placed that they cannot serve to conceal injuries to the cover. They must not be folded over two sides of the cover so as to hide the edge. The address in such cases must be written on the actual covering of the parcels.

6. The parcels bills used for the service between the Netherlands and the United Kingdom shall be enlarged by the addition of columns for the entry of the weight of insured parcels and the sums in francs and centimes for which they are insured.

XI. The following addition is made to Article VI of the Convention of the $\frac{9}{10}$ th March, 1886:—

The postage on parcels exceeding 3 kilog. or 7 lbs. avoirdupois, but not exceeding 5 kilog. or 11 lbs. avoirdupois, exchanged between the United Kingdom and the Netherlands, viâ Queenborough and Flushing, is fixed at 2s. 3d. in the United Kingdom, and 1.35 fl. in the Netherlands, and is divided as follows:

	Fr. c.				
British Post Office territorial rate	1 60
Netherlands Postal Administration—					
Territorial and sea rate	1 10
Total					<hr/> 2 70

XII. Article X of the Convention above mentioned is modified in so far that the maximum of the compensation to be paid in case of the loss or damage of an uninsured parcel is fixed at 25 fr.

Done in duplicate at London on the 29th day of November, 1893, and at the Hague on the 16th day of December, 1893.

(L.S.) ARNOLD MORLEY.

(L.S.) HAVELAAR.

AGREEMENT between Great Britain and Portugal, relative to Spheres of Influence north of the Zambezi.—Signed at London, May, June, 1893.

No. 1.—The Earl of Rosebery to M. de Soveral.

M. LE MINISTRE, Foreign Office, May 31, 1893.

IN compliance with the desire of the Portuguese Government that a formal exchange of notes should take place recording the understanding come to between the two Governments in the early part of 1892 for a *modus vivendi* pending the delimitation of the boundaries of the British and Portuguese spheres of influence north of the Zambezi under the Treaty of the 11th June, 1891,* I have the honour to submit the following draft of Articles which Her Majesty's Government trust will be found to meet the purpose:—

“Art. I. Pending actual delimitation, all natural lines of demarcation specified in sub-head 2, Article I, of the Anglo-Portuguese Treaty of the 11th June, 1891, shall be considered for all purposes as constituting the boundaries between the British and Portuguese spheres of influence in all localities in which there can be no doubt as to their coinciding with the line described in the above-mentioned sub-head.

“The natural lines of demarcation above referred to are as follows, viz. :—

“The eastern shore of Lake Chiuta.

“The eastern shore of Lake Chilwa, or Shirwa.

“The easternmost affluent of the River Ruo.

“The River Ruo below the confluence of its easternmost affluent to its junction with the River Shiré.

“The River Shiré between the point where the River Ruo flows into it and a point situated just below Chiwanga.

“The watershed between Lake Nyassa and the River Zambezi south of latitude 14° south.

“The River Aroangwa, or Loangwa, south of latitude 15° south to its junction with the River Zambezi.

“Art. II. Pending the exact determination of the point where latitude 13° 30' south cuts the eastern shore of Lake Nyassa, Padimba, and Makanjira, and the shore south of those places, shall be recognized as being within the British sphere of influence; and similarly the eastern shore of the lake north of the River Lomazi, and as far as the point where it is intersected by the line described in sub-head 1, Article I, of the Treaty of the 11th June, 1891, shall be recognized as being within the Portuguese sphere of influence.

* Vol. LXXXIII, page 27.

“Art. III. Pending a definite agreement, the post erected as a boundary beacon by Mr. Johnston on the right bank of the River Shiré shall be accepted provisionally as the ‘point just below Chiwanga,’ mentioned in Article I of the Anglo-Portuguese Convention; and a line traced by the Portuguese authorities from that point due west to the watershed between the Shiré and the Zambezi shall be similarly accepted as a temporary boundary between the British and Portuguese spheres of influence.

“Art. IV. The Islands of Chisamulu and Lukomo, or Dikomo, and all other islands of Lake Nyassa further to the south, shall be recognized as being within the British sphere of influence.

“Art. V. Pending the delimitation of a boundary-line as laid down in Article IV of the Treaty of the 11th June, 1891, the line formed by the course of the Zambezi from the cataracts of Katima up to its confluence with the Cabompo River, and thence by the course of the Cabompo, shall be the provisional boundary between the respective spheres of influence in that region, and the provisions of Article VIII of the Treaty above referred to shall be applicable to the territories separated by the said provisional boundary until a definitive boundary shall have been substituted in its stead.

“Art. VI. Wherever, previous to delimitation, the actual course of the boundary-line described in sub-head 2, Article I, of the Anglo-Portuguese Treaty appears to be doubtful, neither the Government of Great Britain nor that of Portugal shall make acquisitions, conclude Treaties, or accept sovereign rights in territories which after delimitation are likely to be proved to be within the sphere of influence of the other; and neither of them will recognize, nor lead to suppose that the other will recognize, any rights of whatever nature which the subjects of the one may claim to have acquired in such territories subsequently to the 11th June, 1891, either by means of Treaties with the natives or any other title.

“Art. VII. As soon as the definitive demarcation of the boundary, or of any section of it, is completed, there shall cease, in territories which, in virtue of such demarcation, become subject to the sovereignty, protection, or influence of one of the two Powers, all acts of jurisdiction or government by the officials, and all occupation by the military or police forces of the other Power or its concessionaires; and there shall lapse, *ipso facto*, all concessions which the latter may have made to individuals, and all rights to property, usufruct, or exploration which its subjects or dependents may claim to have acquired in those territories subsequently to the 11th June, 1891.

“Art. VIII. Acts of occupation or jurisdiction performed by the officials or concessionaires of one of the two Powers subsequently

to the 11th June, 1891, and concessions or proprietary rights of whatever nature which the subjects or dependents of that Power may claim to have acquired since that date in territory which, after demarcation, proves to be within the sphere of influence of the other, shall in no case be used as a motive for demanding the rectification of the boundary under the provisions of Article VII of the Anglo-Portuguese Treaty.

“Art. IX. In all questions between the military or police forces of the two Powers as to rights of occupation, passage, or jurisdiction, which may arise in consequence of the demarcation of the boundary being incomplete, the local officials of the two Powers shall try to come to an understanding, failing which the matter in dispute shall be referred for the decision of such persons as may be appointed for the purposes of this Article, and by them, if necessary, to their respective Governments.

“It shall be clearly understood that, pending such decision, no coercive measures whatsoever shall be adopted, and that should force be used, notwithstanding the provisions of this Article, by the military or police forces of either of the Powers, the Government of the other shall be entitled to demand redress.

“Art. X. Neither in the Nyassaland, nor in the Loangwa, nor in the Barotze territories shall the *modus vivendi* be held as prejudging in any way the ultimate territorial rights of Great Britain or of Portugal.

“Art. XI. The *modus vivendi* shall continue in force till the 1st July, 1896. After that date it may be denounced by either Government with three months’ notice, the work of delimitation to begin before the expiration of the three months.

“The *modus vivendi* shall not interfere with, or be vitiated by, any delimitation which it may be found possible, during its continuance, to carry out of any portion or portions of the frontier line.”

I should esteem it a favour if you would notify to me the consent of your Government to these Articles, if accepted by them, and on the receipt of a communication to that effect Her Majesty’s Government will consider the said exchange of notes as an agreement between the two Governments.

I have, &c.,

M. de Soveral.

ROSEBERY.

No. 2.—M. de Soveral to the Earl of Rosebery.—(Received June 6.)

MILORD,

Londres, le 5 Juin, 1893.

En réponse à la note que votre Excellence a bien voulu m’adresser le 31 du mois de Mai dernier, j’ai l’honneur de vous

communiquer que le Gouvernement du Roi m'a autorisé à accepter les termes du *modus vivendi* contenu dans la susdite note.

Je profite, &c.,

Le Comte de Rosebery.

LUIZ DE SOVERAL.

NOTIFICATION respecting the Ratification by Portugal of Protocols 1, 2, and 3 of the Madrid Conference, relative to the Protection of Industrial Property.—Berne, November 10, 1893.

No. 1.—M. Bourcart to the Earl of Rosebery. —(Received November 18.)

*Légation de Suisse, Londres,
le 17 Novembre, 1893.*

M. LE COMTE,

MON Gouvernement me charge de faire parvenir à votre Seigneurie une note qu'il adresse, en date du 10 de ce mois, aux États Signataires de l'Union pour la Protection de la Propriété Industrielle.

Cette note, que votre Seigneurie trouvera sous ce pli, a trait à la ratification par le Portugal des trois premiers Protocoles adoptés par la Conférence de Madrid.

Elle m'obligerait vivement en consentant à me donner acte de ma présente communication.

Veuillez, &c.,

Le Comte Rosebery.

C. D. BOURCART.

(Inclosure.)—The Swiss Federal Council to the Earl of Rosebery.

M. LE MINISTRE,

Berne, le 10 Novembre, 1893.

NOUS avons l'honneur de faire savoir à votre Excellence que, par note du 31 Octobre dernier, la Légation de Portugal à Berne a transmis, au Département Fédéral des Affaires Étrangères, l'instrument constatant la ratification, par son Gouvernement, des trois premiers Protocoles adoptés par la Conférence de Madrid au nom de l'Union pour la Protection de la Propriété Industrielle, savoir :—

1. Arrangement concernant la Répression des Fausses Indications de Provenance sur les Marchandises, du 14 Avril, 1891.

2. Arrangement concernant l'Enregistrement International des Marques de Fabrique ou de Commerce, du 14 Avril, 1891.

3. Protocole concernant la Dotation du Bureau International

de l'Union pour la Protection de la Propriété Industrielle, du 15 Avril, 1891.*

Nous serions reconnaissants aux Gouvernements des quelques États dont les ratifications ne sont pas encore intervenues de vouloir bien hâter, dans la mesure du possible, le moment où ils pourront notifier leur accession à ceux des actes de la Conférence de Madrid qui ont leur approbation.

En priant votre Excellence de vouloir bien prendre note de ce qui précède, nous saisissons, &c.,

Au nom du Conseil Fédéral Suisse :

SCHENK, *Président de la Confédération.*

RINGIER, *Chancelier de la Confédération.*

No. 2.—The Earl of Rosebery to M. Bourcart.

M. LE CHARGÉ D'AFFAIRES, *Foreign Office, November 21, 1893.*

I HAVE the honour to acknowledge the receipt of your note of the 17th instant, inclosing a note from the Federal Council announcing the ratification by Portugal of Protocols I, II, and III of the Madrid Conference for the Protection of Industrial Property, and I beg leave to express my thanks for this communication.

I have, &c.,

M. Bourcart.

ROSEBERY.

TREATY between Great Britain and Roumania, for the Mutual Surrender of Fugitive Criminals.†—Signed at Bucharest, March $\frac{9}{21}$, 1893.‡

[Ratifications exchanged at Bucharest, March $\frac{1}{15}$, 1894.]

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, and His Majesty the King of Roumania, having judged it expedient, with a view to the better administration of justice and to the prevention of crime within their respective territories, that persons charged with or convicted of the crimes hereinafter enumerated, and being fugitives from justice, should, under certain circumstances, be reciprocally delivered up; the said High Contracting Parties have named as their Plenipotentiaries to conclude a Treaty for this purpose, that is to say :

* Vol. LXXXIII, page 676.

† A Protocol, explanatory of § 21 of Article II was signed on the 13th March, 1894 (will be given in a subsequent volume).

‡ Signed also in the Roumanian language.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, the Honourable Charles Hardinge, Her Britannic Majesty's Chargé d'Affaires at Bucharest, &c.;

And His Majesty the King of Roumania, M. Alexandre N. Lahovari, Grand Cross of his Order of the Crown of Roumania, &c., His Minister-Secretary of State for Foreign Affairs;

Who, having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following Articles:—

ART. I. The High Contracting Parties engage to deliver up to each other those persons who, being accused or convicted of a crime or offence committed in the territory of the one Party, shall be found within the territory of the other Party, under the circumstances and conditions stated in the present Treaty.

II. The crimes or offences for which the extradition is to be granted are the following:—

1. Murder, or attempt, or conspiracy to murder.
2. Manslaughter.
3. Assault, occasioning actual bodily harm. Maliciously wounding or inflicting grievous bodily harm.
4. Counterfeiting or altering money, or uttering counterfeit or altered money.
5. Knowingly making any instrument, tool, or engine adapted and intended for counterfeiting coin.
6. Forgery, counterfeiting, or altering or uttering what is forged, or counterfeited, or altered.
7. Embezzlement or larceny.
8. Malicious injury to property, by explosives or otherwise, if the offence be indictable.
9. Obtaining money, goods, or valuable securities by false pretences.
10. Receiving money, valuable security, or other property knowing the same to have been stolen, embezzled, or unlawfully obtained.
11. Crimes against bankruptcy law.
12. Fraud by a bailee, banker, agent, factor, trustee, or director, or member or public officer of any Company, made criminal by any law for the time being in force.
13. Perjury, or subornation of perjury.
14. Rape.
15. Carnal knowledge, or any attempt to have carnal knowledge, of a girl under 14 years of age.
16. Indecent assault.
17. Procuring miscarriage, administering drugs or using instruments with intent to procure the miscarriage of a woman.

18. Abduction.
19. Child stealing.
20. Abandoning children, exposing or unlawfully detaining them.
21. *Kidnapping and false imprisonment.
22. Burglary or housebreaking.
23. Arson.
24. Robbery with violence.
25. Any malicious act done with intent to endanger the safety of any person in a railway train.
26. Threats, by letter or otherwise, with intent to extort.
27. Piracy by law of nations.
28. Sinking or destroying a vessel at sea, or attempting or conspiring to do so.
29. Assaults on board a ship on the high seas, with intent to destroy life, or do grievous bodily harm.
30. Revolt, or conspiracy to revolt, by two or more persons on board a ship on the high seas against the authority of the master.
31. Dealing in slaves.

Extradition is also to be granted for participation in any of the aforesaid crimes, provided such participation be punishable by the laws of both the Contracting Parties.

III. Either Government may, in its absolute discretion, refuse to deliver up its own subjects to the other Government.

IV. The extradition shall not take place if the person claimed has already been tried and discharged or punished, or is still under trial, within the territories of the two High Contracting Parties respectively, for the crime for which his extradition is demanded.

If the person claimed should be under examination, or is undergoing sentence under a conviction, for any other crime within the territories of the two High Contracting Parties respectively, his extradition shall be deferred until after he has been discharged, whether by acquittal or on expiration of his sentence, or otherwise.

V. The extradition shall not take place if, subsequently to the commission of the crime, or the institution of the penal prosecution, or the conviction thereon, exemption from prosecution or punishment has been acquired by lapse of time, according to the laws of the State applied to.

VI. A fugitive criminal shall not be surrendered if the offence in respect of which his surrender is demanded is one of a political character, or if he prove that the requisition for his surrender has in fact been made with a view to try or punish him for an offence of a political character.

VII. A person surrendered can in no case be kept in prison, or

* See Note, page 69.

be brought to trial in the State to which the surrender has been made, for any other crime or on account of any other matters than those for which the extradition shall have taken place, until he has been restored or had an opportunity of returning to the State by which he has been surrendered.

This stipulation does not apply to crimes committed after the extradition.

VIII. The requisition for extradition shall be made through the Diplomatic Agents of the High Contracting Parties respectively

The requisition for the extradition of the accused person must be accompanied by a warrant of arrest issued by the competent authority of the State requiring the extradition, and by such evidence as, according to the laws of the place where the accused is found, would justify his arrest if the crime had been committed there.

If the requisition relates to a person already convicted, it must be accompanied by the sentence of condemnation passed against the convicted person by the competent Court of the State that makes the requisition for extradition.

A sentence passed *in contumaciam* is not to be deemed a conviction, but a person so sentenced may be dealt with as an accused person.

IX. If the requisition for extradition be in accordance with the foregoing stipulations, the competent authorities of the State applied to shall proceed to the arrest of the fugitive.

X. If the fugitive has been arrested in the British dominions, he shall forthwith be brought before a competent Magistrate, who is to examine him and to conduct the preliminary investigation of the case, just as if the apprehension had taken place for a crime committed in the British dominions.

In the examinations which they have to make in accordance with the foregoing stipulations, the authorities of the British dominions shall admit as valid evidence the sworn depositions or the affirmations of witnesses taken in Roumania, or copies thereof, and likewise the warrants and sentences issued therein, and certificates of, or judicial documents stating the fact of, a conviction, provided the same are authenticated as follows:—

1. A warrant must purport to be signed by a Judge, Magistrate, or Judicial Officer of Police of Roumania.

2. Depositions or affirmations, or the copies thereof, must purport to be certified under the hand of a Judge, Magistrate, or Judicial Officer of Police of Roumania, to be the original depositions or affirmations, or to be the true copies thereof, as the case may require.

3. A certificate of or judicial document stating the fact of a

conviction must purport to be certified by a Judge, Magistrate, or Judicial Officer of Police of Roumania.

4. In every case such warrant, deposition, affirmation, copy, certificate, or judicial document must be authenticated either by the oath of some witness, or by being sealed with the official seal of the Minister of Justice or of Foreign Affairs of Roumania; but any other mode of authentication for the time being permitted by the law in that part of the British dominions where the examination is taken may be substituted for the foregoing.

XI. On the part of the Roumanian Government, the extradition shall take place as follows in Roumania:

The Minister, or other Diplomatic Agent of Her Britannic Majesty in Roumania, shall send to the Minister for Foreign Affairs, in support of each demand for extradition, an authentic and duly legalized copy either of a certificate of condemnation, or of a warrant of arrest against an incriminated or accused person, showing clearly the nature of the crime or offence on account of which proceedings are being taken against the fugitive. The judicial document so produced shall be accompanied by a description and other particulars serving to establish the identity of the person whose extradition is claimed.

In case the documents produced by the British Government to establish the identity, and the particulars gathered by the Roumanian police authorities for the same purpose, should be deemed to be insufficient, notice thereof shall forthwith be given to the Minister or other Diplomatic Agent of Her Britannic Majesty in Roumania, and the individual whose extradition is desired, if he has been arrested, shall remain in detention until the British Government has produced new elements of proof to establish his identity, or to clear up any other difficulties arising in the examination.

XII. The extradition shall not take place unless the evidence be found sufficient, according to the laws of the State applied to, either to justify the committal of the prisoner for trial, in case the crime had been committed in the territory of the said State, or to prove that the prisoner is the identical person convicted by the Courts of the State which makes the requisition, and that the crime of which he has been convicted is one in respect of which extradition could, at the time of such conviction, have been granted by the State applied to. In Her Britannic Majesty's dominions the fugitive criminal shall not be surrendered until the expiration of fifteen days from the date of his being committed to prison to await his surrender.

XIII. If the individual claimed by one of the two High Contracting Parties in pursuance of the present Treaty should be also claimed by one or several other Powers, on account of other crimes

or offences committed upon their respective territories, his extradition shall be granted to that State whose demand is earliest in date.

XIV. If sufficient evidence for the extradition be not produced within two months from the date of the apprehension of the fugitive, or within such further time as the State applied to, or the proper Tribunal thereof, shall direct, the fugitive shall be set at liberty.

XV. All articles seized which were in the possession of the person to be surrendered, at the time of his apprehension, shall, if the competent authority of the State applied to for the extradition has ordered the delivery thereof, be given up when the extradition takes place, and the said delivery shall extend not merely to the stolen articles, but to everything that may serve as a proof of the crime.

XVI. All expenses connected with extradition shall be borne by the demanding State.

XVII. The stipulations of the present Treaty shall be applicable to the Colonies and foreign possessions of Her Britannic Majesty, so far as the laws for the time being in force in such Colonies and foreign possessions respectively will allow.

The requisition for the surrender of a fugitive criminal who has taken refuge in any of such Colonies or foreign possessions may be made to the Governor or chief authority of such Colony or possession by any person authorized to act in such Colony or possession as a Consular officer of Roumania.

Such requisitions may be disposed of, subject always, as nearly as may be, and so far as the law of such Colony or foreign possession will allow, to the provisions of this Treaty, by the said Governor or chief authority, who, however, shall be at liberty either to grant the surrender or to refer the matter to his Government.

Her Britannic Majesty shall, however, be at liberty to make special arrangements in the British Colonies and foreign possessions for the surrender of criminals from Roumania who may take refuge within such Colonies and foreign possessions, on the basis, as nearly as may be, and so far as the law of such Colony or foreign possession will allow, of the provisions of the present Treaty.

Requisitions for the surrender of a fugitive criminal emanating from any Colony or foreign possession of Her Britannic Majesty shall be governed by the rules laid down in the preceding Articles of the present Treaty.

XVIII. The present Treaty shall come into force ten days after its publication, in conformity with the forms prescribed by the laws of the High Contracting Parties. It may be terminated by either of the High Contracting Parties at any time on giving to the other six months' notice of its intention to do so.

The Treaty shall be ratified, and the ratifications shall be exchanged at Bucharest as soon as possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seal of their arms.

Done in duplicate at Bucharest, March $\frac{9}{21}$, 1893.

(L.S.) CHARLES HARDINGE.

(L.S.) AL. LAHOVARI.

PROTOCOL.

AT the moment of proceeding to the signature of the Treaty of Extradition concluded this day, the undersigned Plenipotentiaries of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, and of His Majesty the King of Roumania, have agreed upon the following declaration:—

The Roumanian Government may in its absolute discretion refuse to deliver up any person charged with a crime punishable with death.

This Protocol shall have the same force and the same duration as the Treaty of Extradition signed to-day.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seal of their arms.

Done in duplicate at Bucharest, March $\frac{9}{21}$, 1893.

(L.S.) CHARLES HARDINGE.

(L.S.) AL. LAHOVARI.

*CONVENTION between Great Britain and Roumania, respecting False Indications of Origin on Goods. — Signed at Bucharest, ^{March 20}_{April 1}, 1893.**

[Ratifications exchanged at Bucharest, March $\frac{1}{13}$, 1894.]

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, and His Majesty the King of Roumania, being mutually desirous of concluding a Convention relating to the suppression of false indications of origin on goods, have named as their respective Plenipotentiaries, that is to say:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, the Honourable Charles Hardinge, Her Britannic Majesty's Chargé d'Affaires at Bucharest, &c.;

And His Majesty the King of Roumania, M. Alexandre N.

* Signed also in the Roumanian language.

Lahovari, Grand Cross of the Royal Order of the Crown of Roumania, &c., his Minister Secretary of State for Foreign Affairs;

Who, having communicated to each other their full powers, found in good and due form, have agreed upon the following Articles:—

ART. I. All goods bearing a false indication of origin, in which one of the Contracting States or a place situated in one of them shall be directly or indirectly indicated as being the country or place of origin, shall be seized on importation into either of the two States.

The seizure may also be effected in the State where the false indication of origin has been applied, or in that into which the goods bearing the false indication may have been imported.

If the legislation of either of the two States does not sanction seizure on importation, such seizure shall be replaced by prohibition of importation.

If the legislation of either of the two States does not permit seizure in the interior, such seizure shall be replaced by the remedies assured in such case to natives by the law of that State.

II. The seizure shall be effected either at the request of the proper Government Department, or of an interested party, whether individual or Society, in conformity with the domestic legislation of each State.

III. The authorities are not bound to effect the seizure of goods in transit.

IV. The present stipulations do not prevent the vendor from putting his name or address upon goods coming from a country other than that where the sale takes place; but in such case the name or address must be accompanied by a clear indication in legible characters of the country or of the place of manufacture or production.

V. The Tribunals of each country shall decide what appellations, on account of their generic character, do not fall within the provisions of the present Convention; regional appellations concerning the origin of products of the vine being, however, not comprised in the reserve provided for by the present Article.

VI.* The stipulations of the present Convention shall be appli-

* List of British Colonies which have acceded to the above Convention under Article VI:—

1. Newfoundland, August 10, 1894; 2. Victoria, August 27, 1894; 3. Queensland, September 9, 1894; 4. South Australia, September 9, 1894.

The following British Colonies and foreign possessions have not acceded to the Convention:—

1. India; 2. Tasmania; 3. Western Australia; 4. New Zealand; 5. The Cape of Good Hope; 6. Natal; 7. Canada; 8. New South Wales.

cable to all the Colonies and foreign possessions of Her Britannic Majesty, excepting to those hereinafter named, that is to say, except to:—

India.

The Dominion of Canada.

Newfoundland.

The Cape of Good Hope.

Natal.

New South Wales.

Victoria.

Queensland.

Tasmania.

South Australia.

Western Australia.

New Zealand.

Provided always that the stipulations of the present Convention shall be made applicable to any of the above-named Colonies or foreign possessions on whose behalf notice to that effect shall have been given by Her Britannic Majesty's Representative at the Court of His Majesty the King of Roumania within one year from the date of the exchange of ratifications of the present Convention.

VII. The present Convention shall be ratified, and the ratifications shall be exchanged at Bucharest as soon as possible.

It shall come into operation one month after the exchange of ratifications, and shall remain in force until the expiration of one year from the day on which either of the two High Contracting Parties may give notice of its intention to terminate the same.

In witness whereof the Undersigned have signed the same, and have affixed thereto the seal of their arms.

Done in duplicate at Bucharest, the $\frac{20\text{th}}{1\text{st}}$ day of $\frac{\text{March}}{\text{April}}$, in the year 1893.

(L.S.) CHARLES HARDINGE.

(L.S.) AL. LAHOVARI.

TREATY of Commerce between Great Britain and Servia.—

*Signed at Belgrade, $\frac{\text{June } 28}{\text{July } 10}$, 1893.**

[Ratifications exchanged at Belgrade, October $\frac{4}{16}$, 1893.]

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, and His Majesty the King of Servia, being equally animated with the desire of consolidating their

* Signed also in the Servian language.

ties of friendship and of developing the commercial relations between the two States, have with this object determined to conclude a Treaty, and have named as their Plenipotentiaries, that is to say :

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, Edmund Douglas Veitch Fane, Esquire, her Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of Servia ;

And His Majesty the King of Servia, his Excellency M. André Nikolitch, his Minister for Foreign Affairs ;

Who, after having communicated to each other their full powers, found in good and due form, have agreed upon the following Articles :—

ART. I. There shall be full and entire freedom of commerce and navigation between the countries of the High Contracting Parties.

The subjects, vessels, and goods, produce of the soil and industry of each of the High Contracting Parties, shall enjoy in the dominions of the other all rights, privileges, immunities, or advantages whatever which are actually enjoyed, or may hereafter be enjoyed, in the said dominions by the subjects, vessels, and goods, produce of the soil and industry of the most favoured nation.

II. All articles, produce of the soil or industry of Great Britain and Ireland, which shall be imported into Servia, and all articles, produce of the soil or industry of Servia, which shall be imported into Great Britain and Ireland, whether destined for consumption, warehousing, re-exportation, or transit, shall be subjected as long as this Treaty holds good to the same treatment as and, especially, shall be liable to no higher or other duties than the produce or goods of the most favoured nation.

No higher or other duties shall be levied in Great Britain and Ireland on the exportation of goods to Servia, or in Servia on the exportation of goods to Great Britain and Ireland, than may be levied on the exportation of the like goods to the country the most favoured in this respect.

Each of the High Contracting Parties therefore undertakes that the other shall enjoy immediately and unconditionally every favour, privilege, or reduction of duties which has been already granted, or may be granted hereafter, in the above-named respects to a third Power.

Goods of all kinds coming from or proceeding to the territory of one of the High Contracting Parties shall be exempted in the territory of the other from all transit dues. Most-favoured-nation treatment is mutually guaranteed to each of the High Contracting Parties in all that concerns transit.

It is understood that the provisions of the present Article do not apply to such special facilities and privileges as have been or may

hereafter be conceded by Servia to the neighbouring States with respect to the local traffic between their conterminous frontier districts.

III. It is agreed that as regards cost of transport and all other facilities, Servian goods transported over British railways and British goods transported over Servian railways shall be treated in exactly the same manner as the goods of the nation the most favoured in this respect.

IV. The subjects of each of the two High Contracting Parties shall be exempted in the territory of the other from all military service and from all extraordinary requisitions which may be established on account of exceptional circumstances.

The liabilities, however, arising out of the possession of landed property, and for military loans and requisitions to which all the subjects of the State may be called upon to contribute as proprietors, or tenants, of real property, shall be excepted.

V. The subjects of the two Contracting Parties shall in the dominions of the other enjoy the same protection and be subject to the same conditions as native subjects, or subjects of the most favoured nation, in regard to the right of property, in trade-marks, names of firms, and other distinctive marks showing the origin or quality of goods, as well as in patterns and designs for manufacture.

VI*. The present Treaty shall be applicable, as far as the laws permit, to all the Colonies and foreign possessions of Her Britannic Majesty, excepting to those hereinafter named, that is to say, except to—

India.

The Dominion of Canada.

Newfoundland.

New South Wales.

Victoria.

South Australia.

Western Australia.

Queensland.

Tasmania.

New Zealand.

The Cape of Good Hope.

Natal.

* List of British Colonies and foreign possessions which have acceded to the above Treaty under Article VI:—

1. Natal, March 3, 1894; 2. Newfoundland, March 3, 1894; 3. Queensland, April 11, 1894; 4. Victoria, April 17, 1894; 5. India, April 27, 1894.

The following Colonies have not acceded to the Treaty:—

1. Canada; 2. South Australia; 3. Western Australia; 4. Tasmania; 5. New Zealand; 6. The Cape of Good Hope; 7. New South Wales.

Provided always that the present Treaty shall be made applicable to any of the above-named Colonies or foreign possessions on whose behalf notice to that effect shall have been given by Her Britannic Majesty's Representative at Belgrade to the Minister for Foreign Affairs of His Majesty the King of Servia within two years from the date of the signature of the present Treaty.

VII. The present Treaty shall be ratified, and the ratifications shall be exchanged at Belgrade as soon as the formalities prescribed by the constitutional laws of the Contracting States have been observed.

It shall remain in force from the date of the exchange of the ratifications until the $\frac{31^{\text{st}}}{19^{\text{th}}}$ December, 1903. In case neither of the two High Contracting Parties should have notified, twelve months before the end of the said period, the intention of putting an end to it, it shall remain binding until the expiration of one year from the day on which either of the High Contracting Parties shall have denounced it.

In witness whereof the respective Plenipotentiaries have signed the present Treaty, and have thereto affixed their seals.

Done in duplicate at Belgrade, the $\frac{28^{\text{th}}}{10^{\text{th}}}$ day of $\frac{\text{June}}{\text{July}}$, 1893.

(L.S.) EDMUND D. V. FANE.

(L.S.) AND. NIKOLITCH.

AGREEMENT supplementary to the Convention concluded on the $\frac{16^{\text{th}} \text{ March}}{13^{\text{th}} \text{ April}}$, 1886, between the Post Office of the United Kingdom of Great Britain and Ireland and the Post Office of Sweden, concerning the Exchange of Postal Parcels.—Signed at Stockholm, November 17, and at London, December 19, 1893.†*

ART. I. On and after the 1st of February, 1894, postal parcels exchanged between Great Britain and Sweden under the Convention of the $\frac{16^{\text{th}} \text{ March}}{13^{\text{th}} \text{ April}}$, 1886, between the Post Office of the United Kingdom of Great Britain and Ireland and the Post Office of Sweden may be insured.

The two Administrations shall mutually serve as intermediaries for the exchange of insured parcels to and from the other countries with which they respectively maintain similar exchanges. They shall communicate to each other the amount of insurance fee to be credited in each case and the other conditions of the service.

II. The maximum amount for which parcels exchanged between

* Vol. LXXVII, page 82.

† Signed also in the Swedish language.

the two countries may be insured is 50*l.* (1,250 francs) in the United Kingdom and 900 kronor in Sweden.

III. The insurance fee, which shall be paid at the same time as the postage, shall be in the United Kingdom 2½*d.* for each 12*l.* or fraction of 12*l.* of insured value, and in Sweden 18 öre for each 216 kronor or fraction of 216 kronor of insured value.

IV. The insurance fee for each 12*l.* or 216 kronor of insured value levied on parcels posted in the United Kingdom addressed to Sweden, or posted in Sweden addressed to the United Kingdom, shall be apportioned as follows:—

To the office of origin 10 centimes.

To the office which provides the sea service, 10 centimes.

To the office of destination, 5 centimes.

V. On every insured parcel sent under this Agreement the Administration of the country of origin may levy a registration fee not exceeding 2½*d.* or 18 öre, to be paid by the sender in addition to the insurance fee. This registration fee shall be retained by the office which levies it.

VI. When an insured parcel is redirected or returned to the office of origin, a new insurance fee is collected from the addressee or the sender, as the case may be. So far as the relations of the two Administrations are concerned, the amount of the insurance fees on redirected or returned parcels and the apportionment of such amount shall be regulated in the same manner as the amount and apportionment of the fees levied on other parcels passing between the two countries.

VII. Compensation for the loss or damage of insured parcels shall be paid in accordance with Article X of the Convention of the ^{16th March,} 1886; but the compensation paid in the case of any one ^{13th April,} parcel shall not exceed the sum for which it has been insured.

VIII. In the case of all parcels containing coin, objects of gold or silver, or other precious articles, exchanged between the United Kingdom and Sweden, insurance is obligatory. If such a parcel is forwarded uninsured, the Administration which delivers it is entitled to collect the proper insurance fee from the addressee, and retain it.

IX. No parcel may be insured for an amount above the real value of its contents. In case the sender of an insured parcel, with intent to defraud, declares the contents to be above their real value, he loses all claim to compensation; and the enforcement of this rule does not prejudice any judicial proceedings of which the law of the country of origin may admit.

X. The provisions of the Convention of the ^{16th March,} 1886, remain ^{13th April,} generally applicable to insured postal parcels. Moreover, the following additional detailed regulations are applicable to such parcels:—

1. An insured parcel must bear on the cover, as well as on the dispatch-note, a statement of the amount for which it is insured, and no erasure or addition, even if certified, is allowed. When this statement is made in English or Swedish money the sender, or the Post Office of origin, must indicate by new figures, placed beside or below the others, the equivalent of the amount in francs and centimes.

2. The same dispatch-note cannot be used with both insured and uninsured parcels.

3. The exact weight of an insured parcel in kilogrammes and grammes must be entered by the office of origin both on the cover of the parcel and on the dispatch-note in the place provided for the purpose.

4. Each insured parcel must bear a red label with the word "insured" or "valeur déclarée" upon it.

5. The labels on insured parcels containing coin, articles of gold or silver, jewellery, or other precious objects, must be so placed that they cannot serve to conceal injuries to the cover. They must not be folded over two sides of the cover so as to hide the edge. The address in such cases must be written on the actual covering of the parcels.

6. The parcel bills used for the service between Sweden and the United Kingdom shall be enlarged by the addition of columns for the entry of the weight of insured parcels and the sums in francs and centimes for which they are insured.

Done in duplicate at London on the 19th day of December, 1893; and at Stockholm on the 17th day of November, 1893.

(L.S.) ARNOLD MORLEY, *Postmaster-General of the United Kingdom of Great Britain and Ireland.*

(L.S.) E. VON KRUSENSTJERNA, *Generalpost-direktör i Konungariket Sverige.*

(L.S.) C. A. HASSELROT.

PROVISIONAL AGREEMENT between King Mwanga and Sir G. Portal (British Protectorate over Uganda; Commerce; Slave Trade; &c.).—Signed at Kampala, May 29, 1893.

AGREEMENT between Mwanga, King of Uganda, and Sir Gerald Herbert Portal, Knight Commander of the Most Distinguished Order of St. Michael and St. George, a Companion of the Most Honourable Order of the Bath, Her Britannic Majesty's Commissioner and Consul-General for East Africa, &c.

I. WHEREAS the Imperial British East Africa Company have now definitely withdrawn from Uganda.

II. And whereas I, Mwanga, King of Uganda, am profoundly and sincerely desirous of securing British protection for myself, my people and dominions; and also assistance and guidance in the government of my country.

III. I, the said Mwanga, do hereby pledge and bind myself to the following conditions with the object of securing the British protection, assistance, and guidance before mentioned:—

IV. I undertake to make no Treaties or Agreements of any kind whatsoever with any Europeans of whatever nationality without the consent and approval of Her Majesty's Representative.

V. I freely recognize that so far as I, the King, am concerned, the sole jurisdiction over Europeans and over all persons not born in my dominions, and the settlement of all cases in which any such persons may be a party or parties, lie exclusively in the hands of Her Majesty's Representative.

VI. In civil cases between my subjects, the Court of Her Majesty's Representative shall be a Supreme Court of Appeal, but it shall lie entirely within the discretion of the said Representative to refuse to hear such appeals.

VII. In criminal cases where only natives are concerned, it is left to the discretion of Her Majesty's Representative to interfere, in the public interest and for the sake of justice, to the extent and in the manner which he may consider desirable.

VIII. And I, Mwanga, the King, undertake to see that due effect is given to all and every decision of the Court of Her Majesty's Representative under Articles VI and VII.

IX. I, Mwanga, fully recognize that the protection of Great Britain entails the complete recognition by myself, my Government, and people, throughout my Kingdom of Uganda and its dependencies, of all and every international act and obligation to which Great Britain may be a party, as binding upon myself, my successors, and

my said Government and people, to such extent and in such manner as may be prescribed by Her Majesty's Government.

X. No war or warlike operations of any kind shall be undertaken without the consent of Her Majesty's Representative, whose concurrence shall also be obtained in all serious matters of State, such as the appointment of Chiefs or officials, the political or religious distribution of territory, &c.

XI. The assessment and collection of taxes, as also the disposal of the revenues of the country, are hereby made subject to the control and revision of Her Majesty's Government in such manner as they may from time to time direct.

XII. The property of Her Majesty's Government and of their officers, and of all servants of Her Majesty's Government, shall be free from the incidence of all taxes.

XIII. Export and import duties on all goods leaving or entering Uganda and its dependencies shall be leviable by Her Majesty's Government for their sole use and benefit. These duties shall be fixed in accordance with the provisions of the General Acts of Berlin and Brussels of 1885* and 1890† respectively, and of any International Agreements arising from the same and to which Great Britain is or may become a party.

XIV. The foreign relations of Uganda and its dependencies are hereby placed unreservedly in the hands of Her Majesty's Representative.

XV. Slave-trading or slave-raiding, or the exportation or importation of people for sale or exchange as slaves, is prohibited. I, Mwanga, also undertake, for myself and my successors, to give due effect to such Laws and Regulations, having for their object the complete ultimate abolition of the status of slavery in Uganda and its dependencies, as may be dictated by Her Majesty's Government.

XVI. In consideration of the above engagements on the part of Mwanga, King of Uganda, I, Gerald Herbert Portal, K.C.M.G., C.B., Her Britannic Majesty's Commissioner and Consul-General for East Africa, on behalf of Her Majesty's Government, do hereby agree to appoint and leave a British Representative with a sufficient staff to carry out the provisions of this Agreement, which is entirely subject to the approval and ratification of Her Majesty's Government, and is therefore only binding until such time as the decision of Her Majesty's Government can be conveyed to and reach Uganda. In the event of Her Majesty's Government being willing to assent to the above conditions and terms, Mwanga, the King, undertakes hereby, on behalf of himself and his successors, to make a Treaty in the above or a similar sense, either in perpetuity or for such specified period as Her Majesty's Government may desire.

* Vol. LXXVI, page 4.

† Vol. LXXXII, page 55.

XVII. The present Agreement supersedes all other Agreements or Treaties whatsoever made by Mwanga or his predecessors.

XVIII. This Agreement shall come into force from the date of its signature.

In faith whereof we have respectively signed this Agreement, and have thereunto affixed our seals.

Done in duplicate at Kampala, this 29th day of May, A.D., 1893.

(L.S.) KABAKA (*King*).

(L.S.) G. H. PORTAL.

Witnesses to the signatures of King Mwanga and Sir Gerald Portal:

ERNEST J. L. BERKELEY.

KATIKORO APOLLO.

BRITISH NOTIFICATION respecting the French Law reserving the Navigation between French and Algerian Ports to the French Flag.—London, February 25, 1893.*

Foreign Office, February 25, 1893.

ON the application of the French Government, Her Majesty's Government have agreed that the provisions of Articles VII and IX of the Commercial and Maritime Convention of February 28, 1882,† shall not preclude the application of the French Law of the 2nd April, 1889,‡ by which navigation between ports of France and Algeria is reserved to vessels under the French flag. Accordingly, on and after the 1st May next, British ships will not be entitled to participate in this navigation, provided that the right to participate in it is withdrawn at that date from all other foreign vessels.

BRITISH NOTIFICATION of the Postponement of the Application of the French Law respecting Navigation between French and Algerian Ports.§—London, May 4, 1893.

Foreign Office, May 4, 1893.

THE French Ambassador at this Court has announced that the application of the Law respecting the navigation between the ports

* "London Gazette," February 28, 1893.

† Vol. LXXIII, page 22.

‡ Vol. LXXXI, page 627.

§ "London Gazette," May 5, 1893.

of France and Algeria, which forms the subject of a Notice published in the "London Gazette" of the 28th February last, has been postponed provisionally. This navigation will accordingly continue for the present to be permitted to vessels under the British flag.

*BRITISH NOTIFICATION announcing the Enforcement of the French Law relative to the Navigation between French and Algerian Ports.—London, September 7, 1893.**

Foreign Office, September 7, 1893.

WITH reference to the Notice published in the "London Gazette" of the 5th May, respecting the navigation between the ports of France and Algeria, the Secretary of State for Foreign Affairs has received from Her Majesty's Minister at Paris the accompanying announcement, which appeared in the "Journal Officiel" of the 5th instant:—

Paris, le 4 Septembre, 1893.

La Loi du 2 Avril, 1889,† réservant au pavillon national la navigation entre la France et l'Algérie sera intégralement appliquée à partir du 4 Octobre, 1893.

(Translation.)

The Law of April 2, 1889, reserving to the national flag the navigation between France and Algeria will be applied, without any exceptions, from October 4, 1893.

CONVENTION conclue entre la Russie et la Chine, concernant la Jonction des Lignes Télégraphiques Terrestres Russes avec les Lignes Télégraphiques Chinoises.—Signée à Tien-tsin, le $\frac{13}{25}$ Août, 1892.

[Ratified by the Emperor of Russia, December 22, 1892
January 3, 1893.]

ART. I. Les Gouvernements de Russie et de Chine, en vue de faciliter les relations télégraphiques des deux États, ont résolu d'effectuer une jonction directe des lignes télégraphiques Russes avec celles de la Chine aux conditions suivantes.

* "London Gazette," September 8, 1893.

† Vol. LXXXI, page 627.

II. Les raccordements suivants auront à être effectués :

(a.) Entre la station Russe à Novokievsk et la station Chinoise à Huntchun ;

(b.) Entre la station Russe à Blagoviestchensk et la station Chinoise à Hélampo ;

(c.) Entre la station Russe à Kiakhta et la station Chinoise qui sera établie dans la ville Chinoise sur la Kiakhta (Maimaitcheng).

(d.) Sur les autres points où les lignes Russes et les lignes Chinoises se rapprocheraient et où la jonction serait reconnue utile par les deux Gouvernements Contractants.

III. La jonction entre Novokievsk et Huntchun devra être effectuée immédiatement après la signature de la présente Convention.

La jonction entre Blagoviestchensk et Hélampo devra être effectuée dès l'arrivée sur place et la pose du câble fluvial nécessaire, mais dans tous les cas pas plus tard que dans le courant de six mois à dater du jour de la signature de la présente Convention.

La jonction à Kiakhta devra être effectuée dès que l'Administration des Télégraphes Chinois aura terminé la construction de la ligne Pékin et Kiakhta, mais dans tous les cas pas plus tard que dans le courant de cinq ans à dater du jour de la signature de la présente Convention.

IV. L'Administration des Télégraphes Russes et l'Administration des Télégraphes Chinois organiseront, maintiendront en bon état et desserviront les lignes mentionnées, chacune d'elles sur le territoire lui appartenant et dont l'inviolabilité devra être strictement observée.

Les deux Administrations prendront sur elles, à parties égales, les dépenses provoquées par l'établissement et l'entretien du câble fluvial sur la Rivière Amour entre Blagoviestchensk et Hélampo ; ce câble sera la propriété commune des deux Gouvernements.

V. Les dispositions des Conventions Télégraphiques Internationales et du Règlement en vigueur seront appliquées à la correspondance télégraphique et à la transmission des télégrammes, et les dispositions qui pourront être, éventuellement, adoptées pour la correspondance transmise par la voie des câbles sousmarins entre la Russie et la Chine seront simultanément appliquées aux lignes aériennes Russo-Chinoises.

Les télégrammes de service, se rapportant au service télégraphique international et expédiés par les Administrations Télégraphiques, devront être transmis en franchise.

Les Administrations Télégraphiques de la Russie et de la Chine prendront, chacune de son côté, toutes les mesures indispensables

pour la transmission rapide, régulière et ininterrompue de la correspondance internationale sur toutes les lignes stipulées dans l'Article II de la présente Convention.

VI. La Russie et la Chine fixent les taxes à percevoir pour la transmission des télégrammes sur leurs lignes jusqu'à la frontière, à la condition toutefois que pendant la durée de la Convention actuelle les taxes établies par l'Article VII ne pourront être modifiées qu'après entente entre les deux Parties.

Conformément aux principes contenus dans le Règlement international en vigueur, les deux Parties Contractantes se déclarent d'accord que dans le cas où sur d'autres lignes ou câbles des taxes inférieures à celles établies par la présente Convention seraient établies pour la transmission des télégrammes internationaux, ces mêmes taxes inférieures seront simultanément adoptées sur les lignes Russo-Chinoises.

VII. Les taxes télégraphiques pour les jonctions mentionnées et stipulées dans l'Article II sont fixées ainsi qu'il suit :—

RUSSIE.

	Par mot.
(A.)— <i>Taxes terminales.</i>	Fr. c.
1. Pour les télégrammes échangés entre la Russie d'Asie et toute la Chine	1 73
2. Pour les télégrammes échangés entre la Russie d'Europe, le Caucase y compris, et toute la Chine	2 73
(B.)— <i>Taxes de transit.</i>	
Pour tous les télégrammes	3 00

CHINE.

(A.)— <i>Taxes terminales.</i>	
1. Pour les télégrammes échangés entre quelque partie que cela soit de la Chine et la Russie d'Europe, le Caucase y compris, et la Russie d'Asie	2 00
2. Pour les télégrammes échangés entre quelque partie que cela soit de la Chine et l'Europe (à l'exception de la Russie) et les pays situés au delà de l'Europe	5 50
(B.)— <i>Taxes de transit.</i>	
1. Pour les télégrammes échangés entre l'Europe (la Russie exceptée) et les pays au delà de l'Europe—d'un côté et tous les autres pays de l'autre côté	5 50
2. Pour tous les autres télégrammes y compris ceux échangés avec la Russie	2 00

Sur les 5 fr. 50 c. mentionnées *sub* lit. (A) et (B), la Chine paye les taxes existantes, revenant aux différentes contrées d'Europe, dans la proportion indiquée par le Règlement Télégraphique International en vigueur et par les tarifs.

La taxe générale pour les télégrammes échangés entre l'Europe (la Russie exceptée) et les pays au delà de l'Europe, d'un côté, et les quatre ports, Shanghai, Foochow, Amoy, et Hong-Kong, et les places avoisinantes où sont atteris actuellement les câbles sous-marins de la Société Télégraphique de l'autre côté, ne doit pas être, pour les lignes Russo-Chinoises, inférieure à celle établie pour les mêmes télégrammes transmis par les câbles de la Société Télégraphique, voie de Vladivostock.

Dans le cas où, pendant la durée de la présente Convention, la taxe sur les câbles de la Société Télégraphique qui relient les ports de Shanghai, Foochow, Amoy, et Hong-Kong aux lignes Russes serait réduite pour les télégrammes échangés entre toute la Chine (Hong-Kong y compris) et l'Europe, et les pays situés au delà de l'Europe, la Chine s'engage à réduire simultanément et pour le même montant ses taxes terminales et de transit pour les mêmes télégrammes transmis par les lignes terrestres Russo-Chinoises.

Les taxes établies pour les correspondances entre la Russie et la Chine s'adaptent uniquement à la correspondance effectivement échangée entre les deux États voisins, et la correspondance Chinoise-Européenne ne peut pas être retélégraphiée au même taux pas les agences particulières ou les particuliers aux stations intermédiaires.

VIII. L'enregistrement de la correspondance dans les livres et la révision des inscriptions aura lieu journallement, par fil télégraphique, entre les stations voisines des lignes qui seront raccordées, conformément à l'Article II.

Le règlement des comptes s'effectuera à l'expiration de chaque mois, et le solde devra être payé à Tien-tsin dans le courant des 21 jours qui suivront le mois auquel ce solde se rapporte.

Les télégrammes concernant le règlement des comptes, faisant partie de la correspondance de service, seront transmis en franchise.

Le mois sera calculé suivant le calendrier Européen.

IX. Les paiements seront effectués en taëls Hongping. Le cours est fixé de la façon suivante: 4 fr. 25 c. équivalent à 1 dollar Mexicain, et 100 dollars Mexicain équivalent à 70 taëls Hongping.

X. Les présentes stipulations seront mises à exécution à partir du jour de leur signature et demeureront en vigueur jusqu'au 31 Décembre, 1902.

En foi de quoi les Représentants des Hautes Parties Contractantes ont signé la présente Convention et y ont apposé leurs sceaux respectifs.

Fait à Tien-tsin en douze exemplaires, dont trois en langue Russe, trois en langue Mantchoue, trois en langue Chinoise, et trois en langue Française. Des quatre textes, dûment confrontés et trouvés concordants, le texte Français fera foi pour l'interprétation de la présente Convention.

Le 13 Août, 1892, correspondant au quatrième jour de la septième lune de la dix-huitième année du règne de Kouang-su.

(L.S.) COMTE CASSINI, *Envoyé Extraordinaire et Ministre Plénipotentiaire de Russie.*

(L.S.) COMTE LI, *Commissaire Impérial, Premier Grand Secrétaire d'État, Vice-Roi de la Province du Tché-li.*

PROCLAMATION by the President of the United States, giving effect to a Commercial Arrangement with Germany.—Washington, February 1, 1892.

WHEREAS, pursuant to section 3 of the Act of Congress approved the 1st October, 1890, entitled "An Act to reduce the revenue and equalize duties on imports, and for other purposes," the attention of the Government of the German Empire was called to the action of the Congress of the United States of America, with a view to secure reciprocal trade, in declaring the articles enumerated in said section 3 to be exempted from duty upon their importation into the United States of America:

And whereas the Chargé d'Affaires of the German Empire at Washington has communicated to the Special Plenipotentiary of the United States the fact that, in view of the Act of Congress above cited, the German Imperial Government has, by due legal enactment, authorized the admission, from and after the 1st February, 1892, into the German Empire of the articles or merchandize, the product of the United States of America, named in the following Schedule, on the terms stated therein:—

SCHEDULE of Articles to be admitted into Germany.

No.	Articles.		Rate of Duty.
1	Bran; malted germs .. .. .	..	M. pf. Free.
2	Flax, raw, dried, broken, or hatched, also refuse portions .. .. .	..	Free.
3	Wheat	100 kilog. ..	3 50

No.	Articles.		Rate of Duty.
			M. pf.
4	Rye	100 kilog. ..	3 50
5	Oats	" ..	2 80
6	Buckwheat	" ..	2 00
7	Pulse	" ..	1 50
8	Other kinds of grain not specially mentioned.	" ..	1 00
9	Barley	" ..	2 00
10	Rape-seed, turnip-seed, poppy, sesame, peanuts, and other oleaginous products not specially mentioned.. .. .	" ..	2 00
11	Maize (Indian corn)	" ..	1 60
12	Malt (malted barley)	" ..	3 60
13	Anise, coriander, fennel, and carraway seed.	" ..	3 00
14	Agricultural products not otherwise designated.. .. .	..	Free.
15	Horse-hair, raw, hatched, boiled, dyed, also laid in the form of tresses and spun; bristles, raw bed-feathers .. .. .	..	Free.
16	Bed-feathers, cleaned and prepared .. .. .	..	Free.
17	Hides and skins, raw (green, salted, limed, dried), and stripped of the hair for the manufacture of leather .. .. .	..	Free.
18	Charcoal .. .. .	..	Free.
19	Bark of wood and tan-bark .. .. .	..	Free.
20	Lumber and timber—		
	(a.) Raw, or merely rough-hewn with axe or saw, with or without bark; oaken barrel staves	100 kilog. ..	0 20
	(b.) Marked in the direction of the longitudinal axis, or prepared or cut otherwise than by rough-hewing; barrel staves not included under (a); unpeeled osiers and hoops; hubs, felloes, and spokes	" ..	0 30
	(c.) Sawed in the direction of the longitudinal axis; unplanned boards; sawed cantle-woods, and other articles, sawn or hewn	" ..	0 80
21	Wood in cut veneering; unglued, unstained parts of floors	" ..	5 00
22	Hops, also hop-meal	" .. (gross)	14 00
23	Butter, also artificial butter	" ..	17 00
24	Meat, slaughtered, fresh, with the exception of pork	" ..	15 00
25	Pork, slaughtered, fresh, and dressed meat, with the exception of bacon, fresh or prepared	" ..	17 00
26	Game of all kinds (not alive)	" ..	20 00
27	Cheese, except Strecthino, Gorgonzola, and Parmesan	" ..	20 00
28	Fruit, seeds, berries, leaves, flowers, mushrooms, vegetables, dried, baked, pulverized, only boiled down or salted, all these products so far as they are not included under other numbers of the Tariff; juices of fruits, berries, and turnips, preserved without sugar to be eaten; dry nuts	" ..	4 00
29	Mill products of grain and pulse, to wit, ground or shelled grains, peeled barley, groats, grits, flour, common cakes (baker's products)	" ..	7 30

No.	Articles.		Rate of Duty.
			M. pf.
30	Residue, solid, from the manufacture of fat oils, also ground .. .. .	..	Free.
31	Goose grease and other greasy fats, such as oleomargarine, sperfett (a mixture of stearic fats with oil), beef marrow ..	100 kilog. ..	10 00
32	Live animals and animal products not mentioned elsewhere; also bee-hives with live bees .. .. .	..	Free.
33	Horses (remarks)	Each ..	20 00
	(a.) Horses up to two years old	" ..	10 00
	(b.) Colts following their dams	" ..	Free.
34	Bulls and cows.. .. .	Each ..	9 00
35	Oxen	" ..	25 50
36	Calves less than six weeks old	" ..	3 00
37	Hogs	" ..	5 00
38	Pigs, weighing less than 10 kilog.	" ..	1 00
39	Sheep	" ..	1 00
40	Lambs	" ..	0 50
41	Wool, including animal hair not mentioned elsewhere, as well as stuffs made thereof—		
	(a.) Wool, raw, dyed, ground; also hair, raw, hatched, boiled, dyed; also curled .. ..	..	Free.

And whereas the Special Plenipotentiary of the United States has, by my direction, given assurance to the Chargé d'Affaires of the German Empire at Washington that this action of the Government of the German Empire in granting exemption of duties to the products and manufactures of the United States of America on their importation into Germany is accepted as a due reciprocity for the action of Congress as set forth in section 3 of said Act:

Now, therefore, be it known that I, Benjamin Harrison, President of the United States of America, have caused the above stated modifications of the tariff laws of the German Empire to be made public for the information of the citizens of the United States of America.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, this 1st day of February, 1892, and of the Independence of the United States of America the 116th.

(L.S.) BENJ. HARRISON.

By the President :

JAMES G. BLAINE, *Secretary of State.*

PROCLAMATION by the President of the United States, giving effect to a Commercial Arrangement with Austria-Hungary.—Washington, May 26, 1892.

WHEREAS, pursuant to section 3 of the Act of Congress, approved the 1st October, 1890, entitled "An Act to reduce the revenue and equalize duties on imports, and for other purposes," the attention of the Government of Austria-Hungary was called to the action of the Congress of the United States of America, with a view to secure reciprocal trade, in declaring the articles enumerated in said section 3 to be exempt from duty upon their importation into the United States of America;

And whereas the Minister Plenipotentiary of Austria-Hungary at Washington has communicated to the Secretary of State the fact that, in view of the Act of Congress above cited, the Government of Austria-Hungary has, by due legal enactment, authorized the admission, from and after the 25th May, 1892, into Austria-Hungary of all the articles of merchandize, the product of the United States of America, named in the Commercial Treaties which Austria-Hungary has celebrated with Germany and other nations on the terms stated in said Treaties;

And whereas the Secretary of State has, by my direction, given assurance to the Minister Plenipotentiary of Austria-Hungary at Washington that this action of the Government of Austria-Hungary, in granting exemption of duties to the products and manufactures of the United States of America on their importation into Austria-Hungary, is accepted as a due reciprocity for the action of Congress as set forth in section 3 of said Act:

Now, therefore, be it known that I, Benjamin Harrison, President of the United States of America, have caused the above stated modifications of the tariff laws of Austria-Hungary to be made public for the information of the citizens of the United States of America.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, this 26th day of May, 1892, and of the Independence of the United States of America the 116th.

(L.S.) BENJ. HARRISON.

By the President:

WILLIAM F. WHARTON, *Acting Secretary of State.*

PROCLAMATION by the President of the United States, extending the privileges of the Copyright Act, 1891, to Italian Subjects.—Washington, October 31, 1892.

WHEREAS it is provided by section 13 of the Act of Congress of the 3rd March, 1891, entitled "An Act to amend Title 60, chapter 3, of the Revised Statutes of the United States, relating to Copyrights,"* that said Act "shall only apply to a citizen or subject of a foreign State or nation when such foreign State or nation permits to citizens of the United States of America the benefit of copyright on substantially the same basis as its own citizens; or when such foreign State or nation is party to an international Agreement which provides for reciprocity in the granting of copyright, by the terms of which Agreement the United States of America may, at its pleasure, become a party to such Agreement;"

And whereas it is also provided by said section that "the existence of either of the conditions aforesaid shall be determined by the President of the United States by Proclamation from time to time as the purposes of this Act may require;"

And whereas satisfactory official assurances have been given that in Italy the law permits to citizens of the United States the benefit of copyright on substantially the same basis as to the subjects of Italy:

Now, therefore, I, Benjamin Harrison, President of the United States of America, do declare and proclaim that the first of the conditions specified in section 13 of the Act of the 3rd March, 1891, now exists and is fulfilled in respect to the subjects of Italy.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, this 31st day of October, 1892, and of the Independence of the United States the 116th.

(L.S.) BENJ. HARRISON.

By the President:

JOHN W. FOSTER, *Secretary of State.*

* Vol. LXXXIII, page 97.

ORDINANCE of the Government of British Guiana, relating to the Legal Condition of Aliens and British Subjects.

[No. 7.]

[April 2, 1891.]

BE it enacted by the Governor of British Guiana, with the advice and consent of the Court of Policy thereof, as follows:—

1. This Ordinance may be cited for all purposes as “The Naturalization Ordinance, 1891.”

Status of Aliens.

2. Movable and immovable property of every description may be taken, acquired, held, and disposed of by an alien in the same manner in all respects as by a natural-born British subject; and a title to movable and immovable property of every description may be derived through, from, or in succession to an alien in the same manner in all respects as through, from, or in succession to a natural-born British subject: Provided that this section shall not—

(1.) Confer any right on an alien to immovable property situate out of this Colony, and shall not qualify an alien for any office or for any legislative franchise, but a person shall not be deemed to be disqualified for the office of interpreter by reason of his being an alien; or

(2.) Entitle an alien to any right or privilege as a British subject, except such rights and privileges in respect of property as are hereby expressly given to him; or

(3.) Affect any estate or interest in movable or immovable property to which any person has or may become entitled, either mediately or immediately, in possession or expectancy, in pursuance of any disposition made before the coming into force of this Ordinance, or in pursuance of any devolution by law on the death of any person dying before the coming into force of this Ordinance; or

(4.) Affect the liability of an alien to serve on juries under the provisions of any Ordinance for the time being in force relating to juries.

Naturalization.

3.*—(1.) An alien who has resided in this Colony, or has been in the service of the Crown, for a term in either case of not less than three years, and who intends, when naturalized, either to reside in this Colony or to serve under the Crown, may apply to the Government Secretary for a certificate of naturalization.

(2.) The applicant shall adduce in support of his application such evidence of his residence or service, and of his intention to

* Amended by Ordinance No. 27 of 1891, page 99.

reside or serve, as the case may be, as the Government Secretary may require. The Government Secretary shall, if satisfied with the evidence adduced, take the case of the applicant into consideration, and may, with or without assigning any reason, give or withhold a certificate, as he may think most conducive to the public good, and no appeal shall lie from his decision. No such certificate shall take effect until the applicant has taken the oath of allegiance, and until such certificate and oath have been recorded in the office of the Registrar of British Guiana. Such oath shall be taken within two months after the date of the certificate, and such oath and certificate shall be recorded in a register book, to be kept for that purpose in the office of the Registrar, within three months after the date of the certificate; and if default is made in complying with either of these requirements, the certificate shall be void and of no effect. A notice of the recording of every such certificate and oath shall forthwith be published by the Registrar in the official Gazette.

(3.) An alien to whom a certificate of naturalization is granted shall in this Colony be entitled to all political and other rights, powers, and privileges, and be subject to all obligations, to which a natural-born British subject is entitled or subject in this Colony, with this qualification, that he shall not, when within the limits of the foreign State of which he was a subject previously to obtaining his certificate of naturalization, be deemed to be a British subject, unless he has ceased to be a subject of that State in pursuance of the laws thereof, or in pursuance of a Treaty to that effect.

4.* The Government Secretary may, in manner aforesaid, grant a special certificate of naturalization to any person with respect to whose nationality as a British subject any doubt may exist, and such certificate shall contain a statement that it is granted for the purpose of quieting doubts as to the right of such person to be deemed a British subject, and the grant of such certificate shall not be deemed to be any admission that the person to whom it was granted was not previously a British subject.

5. The oath hereinbefore referred to as the oath of allegiance shall be in the form set forth in "The Promissory Oaths Ordinance, 1870," and the provisions as to affirming in lieu of swearing contained in the said Ordinance shall apply in the same manner as if they were enacted in this Ordinance.

6. Where the father, or the mother, being a widow, has obtained a certificate of naturalization in this Colony, every child of such father or mother who during infancy has become resident with such father or mother in this Colony shall within this Colony be deemed to be a naturalized British subject.

* Amended by Ordinance No. 27 of 1891, page 99.

Supplemental Provisions.

7. A certificate of naturalization granted under this Ordinance shall be in the form contained in the First Schedule to this Ordinance.

8. The oath of allegiance may be administered by any Stipendiary Magistrate, and shall be administered without fee.

9.—(1.) The fees payable in respect of a certificate of naturalization shall be those set forth in the Second Schedule to this Ordinance.

(2.) All such fees shall be paid over in such manner as the Governor may from time to time direct to the Receiver-General for the public use of the Colony.

10. The Governor and Court of Policy may from time to time make, and, when made, alter, amend, or repeal, regulations with respect to all or any of the following matters:—

(1.) The registration of certificates of naturalization;

(2.) The imposition and application of fees in respect of the making of any declaration or the granting of any certificate authorized to be made or granted by “The Naturalization Act, 1870,”* of the Imperial Parliament; and

(3.) Generally for the better carrying out of the provisions of this Ordinance, and for the due proof in legal proceedings of all acts and things done thereunder.

11. The following provisions shall have effect with respect to evidence under this Ordinance:—

(1.) Any declaration authorized to be made under “The Naturalization Act, 1870,” of the Imperial Parliament, or under this Ordinance, may be proved in any legal proceeding by production of the original declaration, or of any copy thereof certified to be a true copy by the Registrar, or by any person authorized by any regulation as aforesaid to give certified copies of such declaration; and the production of such declaration, or of such copy, shall be evidence of the person therein named as declarant having made the same at the date in the said declaration mentioned;

(2.) A certificate of naturalization may be proved in any legal proceeding by the production of the original certificate, or of any copy thereof certified to be a true copy by the Registrar, or by any person authorized by any regulation as aforesaid to give certified copies of such certificate; and

(3.) Entries in any register authorized to be made in pursuance of this Ordinance shall be proved by such copies and certified in such manner as may be directed by the Registrar, and the copies of such entries shall be evidence of any matter by this Ordinance, or by any regulation as aforesaid, authorized to be inserted in the register.

* Vol. LX, page 267.

Miscellaneous Provisions.

12. Every person who wilfully or corruptly makes or subscribes any declaration under "The Naturalization Act, 1870," of the Imperial Parliament, or under this Ordinance, knowing the same to be untrue in any material particular, shall be guilty of a misdemeanour.

13. Nothing in this Ordinance shall affect the provisions of "The Aliens Ordinance, 1886."*

14. Ordinance No. 16 of 1871, entitled "An Ordinance to provide for the carrying into effect in this Colony of 'The Naturalization Act, 1870,' " is hereby repealed.

15. This Ordinance shall come into force on the publication thereof.

And that no ignorance may be pretended of this our Ordinance, these presents shall be printed and published in the customary manner.

Thus done and enacted at our Adjourned Quarterly Assembly held at the Guiana Public Buildings, Georgetown, Demerara, this 2nd day of April, 1891, and published on the 8th day of April in the same year.

CHARLES BRUCE.

By command of the Court.

FRANCIS VILLIERS, *Acting Secretary*.

SCHEDULES.

THE FIRST SCHEDULE.

Certificate of Naturalization.†

BRITISH GUIANA.

KNOW all men by these presents that, by virtue of the provisions of "The Naturalization Ordinance, 1891," I have this day granted this certificate of naturalization to _____, of _____, a native of _____.

Given under my hand and seal, this _____ day of _____, 18 ____.
(L.S.) _____, *Government Secretary*.

NOTE.—The above certificate is void and of no effect unless the following oath is taken before a Stipendiary Magistrate within two months of the above date.

* Vol. LXXVII, page 1229.

† New Form of Certificate substituted by Ordinance No. 27 of 1891, see page 99.

I, _____, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, her heirs and successors, according to law. So help me God.

(Signed) _____.

Sworn before me this _____ day of _____
(Signed) _____

, 18 _____,
_____, *Stipendiary Magistrate*.

NOTE.—The above certificate and oath must be recorded in the office of the Registrar of British Guiana within three months from the date of the certificate, otherwise the certificate is void and of no effect.

THE SECOND SCHEDULE.

Table of Fees.

For what Payable.	Amount Payable.	To whom Payable.
	Dol. c.	
Certificate of naturalization ..	5 00	The Government Secretary.
Recording certificate and oath ..	2 50	The Registrar.
Certified copy of the same ..	2 50	The Registrar.

*ORDINANCE of the Government of British Guiana, to amend in certain respects "The Naturalization Ordinance, 1891."**

[No. 27.]

[August 8, 1891.]

WHEREAS it is expedient to amend in certain respects "The Naturalization Ordinance, 1891:"

Be it therefore enacted by the Governor of British Guiana, with the advice and consent of the Court of Policy thereof, as follows:—

1. This Ordinance may be cited as "The Naturalization Ordinance, 1891, Amendment Ordinance, 1891."

2. This Ordinance shall be construed as one with "The Naturalization Ordinance, 1891," and the two Ordinances may be referred to as "The Naturalization Ordinances, 1891."

3. Sections 3 and 4 of the Principal Ordinance shall respectively be construed and have effect as if the words "the Government Secretary" were omitted therefrom, and the words "the Governor" were substituted instead thereof.

4. The form of a certificate of naturalization contained in the First Schedule to the Principal Ordinance is hereby repealed, and

* See page 95.

the form of such certificate contained in the Schedule to this Ordinance shall be substituted instead thereof.

5. Notwithstanding anything in the Principal Ordinance, any alien holding office at the commencement of the Principal Ordinance or of this Ordinance shall not be deemed to be disqualified for such office on account of his being an alien.

6. Nothing in the Principal Ordinance or in this Ordinance shall affect the employment of any alien in any special and temporary service.

7. Nothing in this Ordinance shall affect any naturalization of an alien already effected under the Principal Ordinance.

8. This Ordinance shall come into force on the publication thereof.

SCHEDULE.

Certificate of Naturalization.

BRITISH GUIANA.

“The Naturalization Ordinances, 1891.”

No.

WHEREAS _____, an alien, now residing at _____, in the county of _____, in the said Colony, has presented to me a Memorial praying for a certificate of naturalization, and alleging that he is a _____, and that he has resided in this Colony for a term of _____ years [*or*, has been in the service of the Crown for a term of _____ years], and intends when naturalized to reside in this Colony [*or*, to serve under the Crown] :

And whereas I have inquired into the circumstances of the case, and have received such evidence as I have deemed necessary for proving the truth of the allegations contained in such Memorial, so far as the same relate to the memorialist :

Now, in pursuance of the authority given to me by the said Ordinance, I grant to the aforesaid _____ this certificate, and declare that he is hereby naturalized as a British subject, and that upon taking the oath of allegiance and recording this certificate and the said oath of allegiance in the manner provided by the said Ordinances, he shall in this Colony be entitled to all political and other rights, powers, and privileges, and be subject to all obligations, to which a natural-born British subject is entitled or subject in this Colony, with this qualification, that he shall not, when within the limits of the foreign State of which he was a subject previously to his obtaining this certificate of naturalization, be deemed to be a British subject, unless he has ceased to be a subject of that State in pursuance of the laws thereof or in pursuance of a Treaty to that effect.

In witness whereof I have hereto subscribed my name this _____ day of _____, 18 ____.

(Signed) _____, Governor.

NOTE.--The above certificate is void and of no effect unless the following oath is taken before a Stipendiary Magistrate within two months of the above date.

Oath of Allegiance.

I, _____, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, her heirs and successors, according to law. So help me God.

(Signed) _____
Sworn and subscribed before me this _____ day of _____, 18 ____
(Signed) _____, *Stipendiary Magistrate.*

NOTE.—The above certificate and oath must be recorded in the office of the Registrar of British Guiana within three months from the date of the certificate, otherwise the certificate is void and of no effect.

*ACT of the Government of the Leeward Islands, to provide for the Registration of Trade-marks.**

[No. 33.]

—

[December 16, 1887.]

(L.S.) GORMANSTON, *Governor.*

BE it enacted by the Governor and General Legislative Council of the Leeward Islands, as follows:—

1. This Act may be cited as “The Trade-marks Act, 1887.”

2. This Act, except where it is otherwise expressed, shall not come into operation until the Officer administering the Government notifies by Proclamation that it is Her Majesty’s pleasure not to disallow the same, and thereafter it shall come into operation upon such day as the Officer administering the Government shall notify by the same or any other Proclamation.

Registration of Trade-marks.

3.—(1.) The Registrar may, on application by or on behalf of any person claiming to be the proprietor of a trade-mark, register the trade-mark.

(2.) The application must be made in the form set forth in the First Schedule to this Act, or in such other form as may be from time to time prescribed, and must be left at, or sent by post to, the Trade-marks Office in the prescribed manner.

(3.) The application must be accompanied by the prescribed number of representations of the trade-mark, and must state the particular goods or classes of goods in connection with which the applicant desires the trade-mark to be registered.

(4.) The Registrar may, if he thinks fit, refuse to register a trade-mark, but any such refusal shall be subject to appeal to the Supreme Court, and the Court shall have jurisdiction to hear and

* Amended by Act No. 17 of 1890, page 120.

determine the appeal, and may make an order determining whether, and subject to what conditions, if any, registration is to be permitted.

4. Where registration of a trade-mark has not been or shall not be completed within twelve months from the date of the application, by reason of default on the part of the applicant, the application shall be deemed to be abandoned.

5.—(1.) For the purposes of this Act, a trade-mark must consist of or contain at least one of the following essential particulars:—

(a.) A name of an individual or firm printed, impressed, or woven in some particular and distinctive manner; or

(b.) A written signature or copy of a written signature of the individual or firm applying for registration thereof as a trade-mark; or

(c.) A distinctive device, mark, brand, heading, label, ticket, or fancy word or words not in common use

(2.) There may be added to any one or more of these particulars any letters, words, or figures, or combination of letters, words, or figures, or of any of them.

6. A trade-mark must be registered for particular goods or classes of goods.

7. When a person claiming to be the proprietor of several trade-marks which, while resembling each other in the material particulars thereof, yet differ in respect of—

(a.) The statement of the goods for which they are respectively used or proposed to be used; or

(b.) Statements of numbers; or

(c.) Statements of prices; or

(d.) Statements of quality; or

(e.) Statements of names of places;

Seeks to register such trade-marks, they may be registered as a series in one registration. A series of trade-marks shall be assignable and transmissible only as whole, but for all other purposes each of the trade-marks composing a series shall be deemed and treated as registered separately.

8. A trade-mark may be registered in any colour, and such registration shall (subject to the provisions of this Act) confer on the registered owner the exclusive right to use the same in that or any other colour.

9. Every application for registration of a trade-mark under this Act shall as soon as may be after its receipt be advertised by the Registrar.

10.—(1.) Any person may, within two months of the first advertisement of the application, give notice, in duplicate, at the

Trade-marks Office, of opposition to registration of the trade-mark, and the Registrar shall send one copy of such notice to the applicant.

(2.) Within two months after receipt of such notice, or such further time as the Registrar may allow, the applicant may send to the Registrar a counter-statement, in duplicate, of the grounds on which he relies for his application, and if he does not do so shall be deemed to have abandoned his application.

(3.) If the applicant sends such counter-statement, the Registrar shall furnish a copy thereof to the person who gave notice of opposition, and shall require him to give security in such manner and to such amount as the Registrar may require for such costs as may be awarded in respect of such opposition; and if such security is not given within fourteen days after such requirement was made, or such further time as the Registrar may allow, the opposition shall be deemed to be withdrawn.

(4.) If the person who gave notice of opposition duly gives such security as aforesaid, the Registrar shall inform the applicant thereof in writing, and thereupon the case shall be deemed to stand for the determination of the Supreme Court.

11. A trade-mark, when registered, shall be assigned and transmitted only in connection with the good-will of the business concerned in the particular goods or classes of goods for which it has been registered, and shall be determinable with that good-will.

12. Where each of several persons claims to be registered as proprietor of the same trade-mark, the Registrar may refuse to register any of them until their rights have been determined according to law, and the Registrar may himself submit or require the claimants to submit their rights to the Supreme Court.

13.—(1.) Except where the Court has decided that two or more persons are entitled to be registered as proprietors of the same trade-mark, the Registrar shall not register in respect of the same goods or description of goods a trade-mark identical with one already on the register with respect to such goods or description of goods.

(2.) The Registrar shall not register with respect to the same goods or description of goods a trade-mark so nearly resembling a trade-mark already on the register with respect to such goods or description of goods as to be calculated to deceive.

14. It shall not be lawful to register as part of or in combination with a trade-mark any words the exclusive use of which would, by reason of their being calculated to deceive or otherwise, be deemed disentitled to protection in a Court of Justice, or any scandalous design.

15.—(1.) Nothing in this Act shall be construed to prevent the

Registrar entering on the register, in the prescribed manner, and subject to the prescribed conditions, as an addition to any trade-mark, any distinctive word or combination of words, though the same is common to the trade in the goods with respect to which the application is made.

(2.) The applicant for entry of any such common particular or particulars must, however, disclaim in his application any right to the exclusive use of the same, and a copy of the disclaimer shall be entered on the register.

Effect of Registration.

16. Registration of a trade-mark shall be deemed to be equivalent to public use of the trade-mark.

17. The registration of a person as proprietor of a trade-mark shall be *prima facie* evidence of his right to the exclusive use of the trade-mark, and shall, after the expiration of five years from the date of the registration, be conclusive evidence of his right to the exclusive use of the trade-mark, subject to the provisions of this Act.

18. A person shall not be entitled to institute any proceedings to prevent or to recover damages for the infringement of a trade-mark unless, in the case of a trade-mark capable of being registered under this Act, it has been registered in pursuance of this Act. The Registrar may, on request, and on payment of the prescribed fee, grant a certificate that such registration has been refused.

Register of Trade-marks.

19. There shall be kept at the Trade-mark Office a book called the "Register of Trade-marks," wherein shall be entered the names and addresses of proprietors of registered trade-marks, notifications of assignments and of transmissions of trade-marks, and such other matter as may be from time to time prescribed.

20.—(1.) At a time not being less than two months nor more than three months before the expiration of fourteen years from the date of the registration of a trade-mark, the Registrar shall send notice to the registered proprietor that the trade-mark will be removed from the register unless the proprietor pays to the Registrar before the expiration of such fourteen years (naming the date at which the same will expire) the prescribed fee; and if such fee be not previously paid, he shall at the expiration of one month from the date of the giving of the first notice send a second notice to the same effect.

(2.) If such fee be not paid before the expiration of such

fourteen years the Registrar may, after the end of three months from the expiration of such fourteen years, remove the mark from the register, and so from time to time at the expiration of every period of fourteen years.

(3.) If before the expiration of the said three months the registered proprietor pays the said fee, together with the additional prescribed fee, the Registrar may without removing such trade-mark from the register accept the said fee as if it had been paid before the expiration of the said fourteen years.

(4.) Where after the said three months a trade-mark has been removed from the register for non-payment of the prescribed fee, the Registrar may, if satisfied that it is just so to do, restore such trade-mark to the register on payment of the prescribed additional fee.

(5.) Where a trade-mark has been removed from the register for non-payment of the fee or otherwise, such trade-mark shall nevertheless, for the purpose of any application for registration during the five years next after the date of such removal, be deemed to be a trade-mark which is already registered.

Fees.

21. There shall be paid in respect of applications for registration and other matters under this Act such fees as may be from time to time prescribed by the Governor in Council, and such fees shall be levied and paid rateably to the Treasuries of the several Presidencies in the same proportions as the several Presidencies contribute to federal expenditure.

General.

22.—(1.) The Governor in Council may provide for the purposes of this Act an office, with all requisite buildings and conveniences, which shall be called, and is in this Act referred to as, the “Trade-marks Office.”

(2.) Until a new Trade-marks Office is provided, the office of the Chief Registrar of the Supreme Court shall be the Trade-marks Office within the meaning of this Act.

(3.) The Trade-marks Office shall be under the immediate control of the Chief Registrar of the Supreme Court, who shall act under the superintendence and direction of the Governor in Council.

(4.) Any Act or thing directed to be done by or to the Registrar may, in his absence, be done by or to any officer for the time being in that behalf authorized by the Governor in Council.

23.—(1.) The Governor in Council may, at any time after the passing of this Act, and from time to time, appoint such officers and clerks with such designations and duties as the Governor in Council shall think fit, and may from time to time remove any of those officers and clerks.

(2.) The salaries of those officers and clerks shall be appointed by the Governor in Council, with the concurrence of the General Legislative Council, and the same and the other expenses of the execution of this Act shall be paid out of the money provided by the General Legislative Council.

24. There shall not be entered in any register kept under this Act, or be receivable by the Registrar, any notice of any trust, expressed, implied, or constructive.

25. The Registrar may refuse to register a trade-mark of which the use, in his opinion, would be contrary to law or morality.

26. Where a person becomes entitled, by assignment, transmission, or other operation of law, to a registered trade-mark, the Registrar shall on request, and on proof of title to his satisfaction, cause the name of such person to be entered as proprietor of the trade-mark in the register of trade-marks. The person for the time being entered in the register of trade-marks as proprietor of a trade-mark shall, subject to any rights appearing from such register to be vested in any other person, have power absolutely to assign, grant licences as to, or otherwise deal with, the same, and to give effectual receipts for any consideration for such assignment, licence, or dealing. Provided that any equities in respect of such trade-mark may be enforced in like manner as in respect to any other personal property.

27. There shall be a seal for the Trade-marks Office, and impressions thereof shall be judicially noticed and admitted in evidence.

28. Every register kept under this Act shall at all convenient times be open to the inspection of the public, subject to such regulations as may be prescribed; and certified copies, sealed with the seal of the Trade-marks Office, of any entry in any such register, shall be given to any person requiring the same, on payment of the prescribed fee.

29. Printed or written copies or extracts, purporting to be certified by the Registrar, and sealed with the seal of the Trade-marks Office, of or from the registers and other books kept there, shall be admitted in evidence in all Courts of the Colony and in all proceedings without further proof or production of the originals.

30.—(1.) The Supreme Court may, on the application of any person aggrieved by the omission without sufficient cause of the

name of any person from any register kept under this Act, or by any entry made without sufficient cause in any such register, make such order for making, expunging, or varying the entry as the Court thinks fit; or the Court may refuse the application; and in either case may make such Order with respect to the costs of the proceedings as the Court thinks fit.

(2.) The Court may in any proceeding under this section decide any question that it may be necessary or expedient to decide for the rectification of a register; and may direct any issue to be tried for the decision of any question of fact, and may award damages to the party aggrieved.

(3.) Any order of the Court rectifying a register shall direct that due notice of the rectification be given to the Registrar.

31. The Registrar may, on request in writing accompanied by the prescribed fee—

(a.) Correct any clerical error in or in connection with an application for registration of a trade-mark;

(b.) Correct any clerical error in the name, style, or address of the registered proprietor of the trade-mark;

(c.) Cancel the entry or part of the entry of a trade-mark on the register.

Provided that the applicant accompanies his request by a statutory declaration made by himself, stating his name, address, and calling, and that he is the person whose name appears on the register as the proprietor of the said trade-mark.

32.—(1.) The registered proprietor of any registered trade-mark may apply to the Court for leave to add to or alter such mark in any particular, not being an essential particular within the meaning of this Act, and the Court may refuse or grant leave on such terms as it may think fit.

(2.) Notice of any intended application to the Court under this section shall be given to the Registrar by the applicant, and the Registrar shall be entitled to be heard on the application.

(3.) If the Court grants leave, the Registrar shall, on proof thereof and on payment of the prescribed fee, cause the register to be altered in conformity with the order of leave.

33. If any person makes or causes to be made a false entry in any register kept under this Act, or a writing falsely purporting to be a copy of an entry in any such register, or produces or tenders or causes to be produced or tendered in evidence any such writing, knowing the entry or writing to be false, he shall be guilty of a misdemeanour.

34. Where any discretionary power is by this Act given to the Registrar, he shall not exercise that power adversely to the applicant for the registration of the trade-mark without giving the

applicant an opportunity of being heard, personally or by his agent.

35. The Registrar may, in any case of doubt or difficulty arising in the administration of any of the provisions of this Act, apply to either of the Law Officers for directions in the matter.

36. A certificate purporting to be under the hand of the Registrar as to any entry, matter or thing, which he is authorized by this Act, or any general rules made thereunder, to make or do, shall be *primâ facie* evidence of the entry having been made, and of the contents thereof, and of the matter or thing having been done or left undone.

37.—(1.) Any application, notice, or other document authorized or required to be left, made, or given at the Trade-marks Office, or to the Registrar, or to any other person under this Act, may be sent by a prepaid letter through the post; and if so sent shall be deemed to have been left, made, or given respectively at the time when the letter containing the same would be delivered in the ordinary course of post.

(2.) In proving such service or sending, it shall be sufficient to prove that the letter was properly addressed and put into the post.

38. Whenever the last day fixed by this Act, or by any rule for the time being in force, for leaving any document or paying any fee at the Trade-marks Office shall fall on Christmas Day, Good Friday, or on a Saturday or Sunday, or any day observed as a holiday under the Bank Holidays Act, or any holiday under the Supreme Court Act, or any day observed as a day of public fast or general thanksgiving, herein referred to as excluded days, it shall be lawful to leave such documents or to pay such fee on the day following such excluded day or days, if two or more of them occur consecutively.

39. If any person is, by reason of infancy, lunacy, or other inability, incapable of making any declaration, or of doing anything required or permitted by this Act, or by any rules made under the authority of this Act, then the guardian or committee (if any) of such incapable person, or, if there be none, any person appointed by any Court or Judge possessing jurisdiction in respect to the property of incapable persons, upon the petition of any person on behalf of such incapable person, or of any other person interested in the making of any such declaration or doing any such thing, may make such declaration, or a declaration as nearly corresponding thereto as circumstances permit, and do such thing in the name and on the behalf of such incapable person, and all acts done by such substitute shall for the purposes of this Act be as effectual as if done by the person for whom he is substituted.

40.—(1.) The Governor in Council may from time to time make such general rules and do such things as he thinks expedient, subject to the provisions of this Act—

- (a.) For regulating the practice of registration under this Act;
- (b.) For classifying goods for the purposes of trade-marks;
- (c.) For making or requiring duplicates of any documents;
- (d.) For securing and regulating the publishing and selling of copies at such prices and in such manner as the Governor in Council may think fit;
- (e.) For securing and regulating the making, printing, publishing, and selling of indexes to and abridgments of any documents in the Trade-marks Office, and providing for the inspection of indexes and abridgments, and other documents;

(f.) Generally for regulating the business of the Trade-marks Office, and all things by this Act placed under the direction or control of the Registrar, or of the Governor in Council.

(2.) The form in the First Schedule may be altered or amended by rules made by the Governor in Council aforesaid.

(3.) General rules may be made under this section at any time after the passing of this Act, but not so as to take effect before the commencement of this Act; and shall (subject as is hereinafter mentioned) be of the same effect as if they were contained in this Act, and shall be judicially noticed.

(4.) Any rules made in pursuance of this section shall be laid before the General Legislative Council if the General Legislative Council be in Session at the time of the making thereof, or, if not, then as soon as practicable after the beginning of the next Session of the General Legislative Council, and they shall be advertised twice in the official Gazette.

(5.) If the General Legislative Council, within the next forty days after any such general rules shall have been laid before it, resolve that such rules, or any of them, ought to be annulled, the same shall after the date of such resolution be of no effect, without prejudice to the validity of anything done in the meantime under such rules or rule, or to the making of any new rules or rule.

41. It shall be lawful for the Governor by Order in Council from time to time to make provision for the protection of inventions, designs, and trade-marks patented or registered in the United Kingdom, and for the protection of inventions, designs, or trade-marks in any British Colony or foreign State.

Provided always that an Order made under this section shall not come into force without the consent of the General Legislative Council expressed by resolution, until the termination of the sitting of the next General Legislative Council, which shall commence after the said Order.

Provided also that such Order shall be placed as soon as practicable before the Council aforesaid, and if the said Council resolve, before the passing of any such resolution as aforesaid, and before the termination of such next sitting of the said Council as aforesaid, that any Order made under this section, or any part thereof, ought not to come into force, then such Order or part thereof shall be of no force or effect.

42. Any person authorized by any law in force in this Colony to take affidavits may take a declaration authorized or required to be made under this Act.

General Definitions.

43. In and for the purposes of this Act, unless the context otherwise requires—

“Person” includes a body corporate;

“The Court” means the Supreme Court of the Leeward Islands;

“Law Officer” means Her Majesty’s Attorney-General or Solicitor-General for the Leeward Islands;

“The Governor” means the Governor of the Leeward Islands;

“Registrar” means the Chief Registrar of the Supreme Court of the Leeward Islands;

“Prescribed” means prescribed by any of the Schedules to this Act or by general rules under or within the meaning of this Act.

J. H. H. BERKELEY, *Vice-President*.

Passed the General Legislative Council, the 16th December, 1887.

EDWARD BAYNES, *Clerk*.

Dated at Antigua, the 31st day of December, 1887, in the fifty-first year of Her Majesty’s reign.

SCHEDULE.

Form (A).—*Form of Application for Registration of Trade-Mark.*

(One representation to be fixed within this square, and two others on separate sheets of foolscap of same size.)

(Representations of a larger size may be folded, but must be mounted upon linen and affixed hereto.)

YOU are hereby requested to register the accompanying trade-mark [in Class , iron in bars, sheets, and plates; in Class , steam engines and boilers; and in Class , warming apparatus] in the name of* , who claims to be the proprietor thereof.

Registration fees inclosed, £ s. d.

(Signed) .

To the Registrar, Court-house, St. John's,
Antigua.

NOTE.—If the trade-mark has been in use before, state length of use.

* Here insert legibly the name, address, and business of the individual or firm.

*ACT of the Government of the Leeward Islands, to amend the Law relating to Fraudulent Marks on Merchandize.**

[No. 34.]

— [December 17, 1887.]

(L.S.) GORMANSTON, Governor.

BE it enacted by the Governor and General Legislative Council of the Leeward Islands, as follows:—

1. This Act may be cited as “The Merchandize Marks Act, 1887.”

* See also Act No. 10 of 1890, page 119.

2.—(1.) Every person who—

(a.) Forges any trade-mark; or

(b.) Falsely applies to goods any trade-mark, or any mark so nearly resembling a trade-mark as to be calculated to deceive; or

(c.) Makes any die, block, machine, or other instrument, for the purpose of forging, or of being used for forging, a trade-mark; or

(d.) Applies any false trade description to goods; or

(e.) Disposes of or has in his possession any die, block, machine, or other instrument for the purpose of forging a trade-mark; or

(f.) Causes any of the things above in this section mentioned to be done;

Shall, subject to the provisions of this Act, and unless he proves that he acted without intent to defraud, be guilty of an offence against this Act.

(2.) Every person who sells, or exposes for, or has in his possession for, sale, or any purpose of trade or manufacture, any goods or things to which any forged trade-mark or false trade description is applied, or to which any trade-mark or mark so nearly resembling a trade-mark as to be calculated to deceive is falsely applied, as the case may be, shall, unless he proves—

(a.) That, having taken all reasonable precautions against committing an offence against this Act, he had at the time of the commission of the alleged offence no reason to suspect the genuineness of the trade-mark, mark, or trade description; and

(b.) That on demand made by or on behalf of the prosecutor, he gave all the information in his power with respect to the persons from whom he obtained such goods or things; or

(c.) That otherwise he had acted innocently;

Be guilty of an offence against this Act.

(3.) Every person guilty of an offence against this Act shall be liable—

(i.) On conviction on indictment, to imprisonment, with or without hard labour, for a term not exceeding two years, or to fine, or to both imprisonment and fine; and

(ii.) On summary conviction to imprisonment, with or without hard labour, for a term not exceeding four months, or to a fine not exceeding 20*l.*, and in the case of a second or subsequent conviction to imprisonment, with or without hard labour, for a term not exceeding six months, or to a fine not exceeding 50*l.*; and

(iii.) In any case, to forfeit to Her Majesty every chattel, article, instrument, or thing, by means of or in relation to which the offence has been committed.

(4.) The Court before whom any person is convicted under this section may order any forfeited articles to be destroyed or otherwise disposed of as the Court thinks fit.

(5.) Any offence for which a person is under this Act liable to punishment on summary conviction may be prosecuted, and any articles liable to be forfeited under this Act by a Magistrate's Court of summary jurisdiction may be forfeited, in manner provided by the Magistrates Summary Jurisdiction Acts: Provided that a person charged with an offence under this section before a Magistrate's Court of summary jurisdiction shall, on appearing before the Court, and before the charge is gone into, be informed of his right to be tried on indictment, and if he requires be so tried accordingly.

3.—(1.) For the purposes of this Act—

The expression "trade-mark" means a trade-mark registered in the register of trade-marks kept under "The Trade-marks Act, 1887,"* and includes any trade-mark which, either with or without registration, is protected by an Order in Council under the said Act.

The expression "trade description" means any description, statement, or other indication, direct or indirect—

(a.) As to the number, quantity, measure, gauge, or weight of any goods; or

(b.) As to the place or country in which any goods were made or produced; or

(c.) As to the mode of manufacturing or producing any goods; or

(d.) As to the material of which any goods are composed; or

(e.) As to any goods being the subject of an existing patent, privilege, or copyright.

And the use of any figure, word, or mark which, according to the custom of the trade, is commonly taken to be an indication of any of the above matters, shall be deemed to be a trade description within the meaning of this Act.

The expression "false trade description" means a trade description which is false in a material respect as regards goods to which it is applied, and includes every alteration of a trade description, whether by way of addition, effacement, or otherwise, where that alteration makes the description false in a material respect; and the fact that a trade description is a trade-mark, or part of a trade-mark, shall not prevent such trade description being a false trade description within the meaning of this Act.

The expression "goods" means anything which is the subject of trade, manufacture, or merchandize.

The expressions "person," "manufacturer," "dealer," or "trader," and "proprietor," include any body of persons corporate or unincorporate.

The expression "name" includes any abbreviation of a name.

(2.) The provisions of this Act respecting the application of a

* Page 101.

false trade description to goods shall extend to the application to goods of any such figures, words, or marks, or arrangement or combination thereof, whether including a trade-mark or not, as are reasonably calculated to lead persons to believe that the goods are the manufacture or merchandize of some person other than the person whose manufacture or merchandize they really are.

(3.) The provisions of this Act respecting the application of a false trade description to goods, or respecting goods to which a false trade description is applied, shall extend to the application to goods of any false name or initials of a person, and to goods with the false name or initials of a person applied, in like manner as if such name or initials were a trade description; and for the purpose of this enactment the expression "false name or initials" means, as applied to any goods, any name or initials of a person which—

(a.) Are not a trade-mark or part of a trade-mark; and

(b.) Are identical with, or a colourable imitation of, the name or initials of a person carrying on business in connection with goods of the same description, and not having authorized the use of such name or initials; and

(c.) Are either those of a fictitious person, or of some person not *bonâ fide* carrying on business in connection with such goods.

4. A person shall be deemed to forge a trade-mark who either—

(a.) Without the assent of the proprietor of the trade-mark makes that trade-mark, or a mark so nearly resembling that trade-mark as to be calculated to deceive; or

(b.) Falsifies any genuine trade-mark, whether by alteration, addition, effacement, or otherwise.

And any trade-mark or mark so made or falsified is in this Act referred to as a forged trade-mark.

Provided that in any prosecution for forging a trade-mark the burden of proving the assent of the proprietor shall lie on the defendant.

5.—(1.) A person shall be deemed to apply a trade-mark, or mark, or trade description to goods who—

(a.) Applies it to the goods themselves; or

(b.) Applies it to any covering, label, reel, or other thing in or with which the goods are sold or exposed, or had in possession for any purpose of sale, trade, or manufacture; or

(c.) Places, incloses, or annexes any goods which are sold, or exposed, or had in possession for any purpose of sale, trade, or manufacture, in, with, or to any covering, label, reel, or other thing to which a trade-mark or trade description has been applied; or

(d.) Uses a trade-mark, or mark, or trade description in any manner calculated to lead to the belief that the goods in connection

with which it is used are designated or described by that trade-mark, or mark, or trade description.

(2.) The expression "covering" includes any stopper, cask, bottle, vessel, box, cover, capsule, case, frame, or wrapper; and the expression "label" includes any band or ticket.

A trade-mark, or mark, or trade description shall be deemed to be applied whether it is woven, impressed, or otherwise worked into, or annexed, or affixed to the goods, or to any covering, label, reel, or other thing.

(3.) A person shall be deemed to falsely apply to goods a trade-mark or mark who, without the assent of the proprietor of a trade-mark, applies such trade-mark, or a mark so nearly resembling it as to be calculated to deceive; but in any prosecution for falsely applying a trade-mark or mark to goods the burden of proving the assent of the proprietor shall lie on the defendant.

6. Where a defendant is charged with making any die, block, machine, or other instrument for the purpose of forging, or being used for forging, a trade-mark, or with falsely applying to goods any trade-mark, or any mark so nearly resembling a trade-mark as to be calculated to deceive, or with applying to goods any false trade description, or causing any of the things in this section mentioned to be done, and proves—

(a.) That in the ordinary course of his business he is employed, on behalf of other persons, to make dies, blocks, machines, or other instruments for making, or being used in making, trade-marks, or, as the case may be, to apply marks or descriptions to goods, and that in the case which is the subject of the charge he was so employed by some person resident in the Colony, and was not interested in the goods by way of profit or commission dependent on the sale of such goods; and

(b.) That he took reasonable precautions against committing the offence charged; and

(c.) That he had, at the time of the commission of the alleged offence, no reason to suspect the genuineness of the trade-mark, mark, or trade description; and

(d.) That he gave to the prosecutor all the information in his power with respect to the persons on whose behalf the trade-mark, mark, or description was applied—

He shall be discharged from the prosecution, but shall be liable to pay the costs incurred by the prosecutor, unless he has given due notice to him that he will rely on the above defence.

7. Where a watch-case has thereon any words or marks which constitute, or are by common repute considered as constituting, a description of the country in which the watch was made, and the watch bears no description of the country where it was made, those

words or marks shall *primâ facie* be deemed to be a description of that country within the meaning of this Act, and the provisions of this Act with respect to goods to which a false trade description has been applied, and with respect to selling, or exposing for or having in possession for sale, or any purpose of trade or manufacture, goods with a false trade description, shall apply accordingly, and for the purposes of this section the expression "watch" means all that portion of a watch which is not the watch-case.

8. In any indictment, pleading, proceeding, or document in which any trade-mark or forged trade-mark is intended to be mentioned, it shall be sufficient, without further description and without any copy or facsimile, to state that trade-mark or forged trade-mark to be a trade-mark or forged trade-mark.

9. In any prosecution for an offence against this Act—

(1.) A defendant, and his wife or her husband, as the case may be, may, if the defendant thinks fit, be called as a witness, and, if called, shall be sworn and examined, and may be cross-examined and re-examined in like manner as any other witness.

(2.) In the case of imported goods, evidence of the port of shipment shall be *primâ facie* evidence of the place or country in which the goods were made or produced.

10. Any person who, being within the Colony, procures, counsels, aids, abets, or is accessory to the commission, without the Colony, of any act which, if committed in the Colony, would under this Act be a misdemeanour, shall be guilty of that misdemeanour as a principal, and be liable to be indicted, proceeded against, tried, and convicted in any district or place in the Colony in which he may be, as if the misdemeanour had been there committed.

11.—(1.) Where, upon information of an offence against this Act, a District Magistrate has issued either a summons requiring the defendant charged by such information to appear to answer to the same, or a warrant for the arrest of such defendant, and either the said District Magistrate on or after issuing the summons or warrant, or any other District Magistrate, is satisfied, by information on oath, that there is reasonable cause to suspect that any goods or things, by means of or in relation to which such offence has been committed, are in any house or premises of the defendant, or otherwise in his possession or under his control in any place, such District Magistrate may issue a warrant under his hand, by virtue of which it shall be lawful for any constable named or referred to in the warrant, to enter such house, premises, or place, at any reasonable time by day, and to search there for, and seize and take away, those goods or things; and any goods or things seized under any such warrant shall be brought before a Magistrate's Court of summary jurisdiction for the purpose of its being

determined whether the same are or are not liable to forfeiture under this Act.

(2.) If the owner of any goods or things which, if the owner thereof had been convicted, would be liable to forfeiture under this Act, is unknown or cannot be found, an information or complaint may be laid for the purpose only of enforcing such forfeiture, and a District Magistrate may cause notice to be advertised stating that, unless cause is shown to the contrary at the time and place named in the notice, such goods or things will be forfeited, and at such time and place the District Magistrate, unless the owner or any person on his behalf, or other person interested in the goods or things, shows cause to the contrary, may order such goods or things, or any of them, to be forfeited.

(3.) Any goods or things forfeited under this section, or under any other provision of this Act, may be destroyed or otherwise disposed of in such manner as the Court by which the same are forfeited may direct, and the Court may, out of any proceeds which may be realised by the disposition of such goods (all trade-marks and trade descriptions being first obliterated), award to any innocent party any loss he may have innocently sustained in dealing with such goods.

12. On any prosecution under this Act the Court may order costs to be paid to the defendant by the prosecutor, or to the prosecutor by the defendant, having regard to the information given by, and the conduct of, the defendant and prosecutor respectively.

13. No prosecution for an offence against this Act shall be commenced after the expiration of three years next after the commission of the offence, or one year next after the first discovery thereof by the prosecutor, whichever expiration first happens.

14. On the sale, or in the contract for the sale, of any goods to which a trade-mark, or mark, or trade description has been applied, the vendor shall be deemed to warrant that the mark is a genuine trade-mark and not forged or falsely applied, or that the trade description is not a false trade description within the meaning of this Act, unless the contrary is expressed in some writing signed by or on behalf of the vendor, and delivered at the time of the sale or contract to and accepted by the vendee.

15. Where, at the passing of this Act, a trade description is lawfully and generally applied to goods of a particular class, or manufactured by a particular method, to indicate the particular class or method of manufacture of such goods, the provisions of this Act with respect to false trade descriptions shall not apply to such trade description when so applied: Provided that where such trade description includes the name of a place or country, and is

calculated to mislead as to the place or country where the goods to which it is applied were actually made or produced, and the goods are not actually made or produced in that place or country, this section shall not apply unless there is added to the trade description, immediately before or after the name of that place or country, in an equally conspicuous manner with that name, the name of the place or country in which the goods were actually made or produced, with a statement that they were made or produced there.

16.—(1.) This Act shall not exempt any person from any action, suit, or other proceeding which might, but for the provisions of this Act, be brought against him.

(2.) Nothing in this Act shall entitle any person to refuse to make a complete discovery, or to answer any question or interrogatory in any action, but such discovery or answer shall not be admissible in evidence against such person in any prosecution for an offence against this Act.

(3.) Nothing in this Act shall be construed so as to render liable to any prosecution or punishment any servant of a master resident in the Colony who *bonâ fide* acts in obedience to the instructions of such master, and, on demand made by or on behalf of the prosecutor, has given full information as to his master.

17. In this Act—

The expression “Magistrates Summary Jurisdiction Acts” means the Act of the Leeward Islands No. 14 of 1873, and any Acts amending the same;

The expression “Magistrate’s Court of Summary Jurisdiction” means any District Magistrate;

The expression “summary conviction” means a conviction before a District Magistrate.

18. This Act shall not come into operation unless and until the Officer administering the Government notifies by Proclamation that it is Her Majesty’s pleasure not to disallow the same, and thereafter it shall come into operation upon such day as the Officer administering the Government shall notify by the same or any other Proclamation.

J. H. H. BERKELEY, *Vice-President*.

Passed the General Legislative Council the 17th December, 1887.

EDWARD BAYNES, *Clerk*.

Dated at Antigua, the 31st day of December, 1887, in the fifty-first year of Her Majesty’s reign.

ACT of the Government of the Leeward Islands, to repeal the Act No. 2 of 1889, entitled "An Act to amend the Merchandize Marks Act, 1887," and to make other provisions in lieu thereof.*

[No. 10.]

[February 10, 1890.]

(L.S.) W. F. HAYNES SMITH.

WHEREAS it is expedient to make further provision for prohibiting the importation of goods which, if sold, would be liable to forfeiture under the Principal Act:

Be it enacted by the Governor and General Legislative Council of the Leeward Islands as follows:—

1.—(1.) All such goods and also all goods of foreign manufacture bearing any name or trade-mark being, or purporting to be, the name or trade-mark of any manufacturer, dealer, or trader in the United Kingdom or the Colony or any British possession, unless such name or trade-mark is accompanied with a definite indication of the country in which the goods were made or purchased, are hereby prohibited to be imported into the Colony, and, subject to the provisions of this section, shall be included among the goods prohibited to be imported as if they were so specified in the Customs Laws in force in the Colony and any Presidency thereof, and if any such goods as aforesaid shall be imported or brought into the Colony such goods shall be forfeited, and may be destroyed or otherwise disposed of as the Governor may direct.

(2.) Before detaining any such goods or taking any further proceedings with a view to the forfeiture thereof under the law relating to the customs, the Governor may require the regulations under this section, whether as to information, security, conditions, or other matters, to be complied with, and may satisfy himself in accordance with those regulations that the goods are such as are prohibited by this section to be imported.

(3.) The Governor in Council may from time to time revoke and vary regulations, either general or special, respecting the detention or forfeiture of goods the importation of which is prohibited by this section, and the condition, if any, to be fulfilled before such detention and forfeiture. And may by such regulations determine the information, notices, and security to be given and the evidence requisite for any of the purposes of this section and the mode of verification of such evidence.

(4.) Where there is on any goods a name identical with, or a colourable imitation of, the name of a place in the United Kingdom or the Colony or any British possession, that name, unless accom-

panied with the name of the country in which such place is situate, shall be treated for the purposes of this section as if it were the name of a place in the United Kingdom or the Colony or such British possession respectively.

(5.) Such regulations may apply to all goods the importation of which is prohibited by this section, or different regulations may be made respecting different classes of such goods or of offences in relation to such goods.

(6.) The regulations may provide for the informant reimbursing the Treasury concerned all expenses and damages incurred in respect to any detention made on his information and of any proceedings consequent on such detention.

(7.) All regulations under this section shall be published in the "*Leeward Islands Gazette*."

(8.) This section shall have effect as if it were part of "*The Customs Consolidation Act, 1876*," and were made expressly applicable to this Colony.

2. This Act shall, so far as is consistent with the tenour thereof, be read as one with the Act No. 34 of 1887 herein referred to as the "*Principal Act*," and this Act shall be referred to as "*The Merchandize Marks Act Amendment Act, 1890*."

3. The Act No. 2 of 1889, entitled "*An Act to amend the Merchandize Act, 1887*," is hereby repealed.

THOS. D. FOOTE, *President*.

Passed the General Legislative Council the 10th February, 1890.

W. M. GORDON, *Clerk*.

Dated at Dominica, the 3rd day of March, 1890, in the fifty-third year of Her Majesty's reign.

ACT of the Government of the Leeward Islands, to amend the Trade-marks Act.

[No. 17.]

[February 11, 1890.]

(L.S.) W. F. HAYNES SMITH.

WHEREAS it is expedient to amend "*The Trade-Marks Act, 1887*,"* hereinafter referred to as the "*Principal Act*:"

Be it therefore enacted by the Governor and General Legislative Council of the Leeward Islands as follows:—

1. This Act may be cited as "*The Trade-Marks Act, 1887*,"

Amendment Act, 1890," and shall be read as one with "The Trade-Marks Act, 1887," hereinafter referred to as the "Principal Act," and this Act and the Principal Act may be together cited as "The Trade-Marks Act, 1887 and 1890."

2. To section 3 of the Principal Act the following sub-section shall be added :—

"(5.) When an applicant for the registration of a trade-mark otherwise than under an International Convention is out of the Colony at the time of making the application, he shall give the Registrar an address for service in the Colony, and if he fails to do so the application shall not be proceeded with until the address has been given."

3. In section 4 of the Principal Act, for the words "the application shall be deemed to be abandoned," shall be substituted the words "the Registrar shall give notice of the non-completion to the agent (if any) employed on behalf of the applicant, and if, at the expiration of fourteen days from that notice the registration is not completed, shall give the like notice to the applicant (to be left at his address within the Colony if he be out of the Colony), and if at the expiration of the latter fourteen days, or such further time as the Registrar may in special cases permit, the registration is not completed, the application shall be deemed to be abandoned."

4. For section 5 of the Principal Act the following section shall be substituted, namely :—

"5.—(1.) For the purposes of this Act a trade-mark must consist of or contain at least one of the following particulars :

"(a.) A name of an individual or firm printed, impressed, or woven in some particular and distinctive manner ; or

"(b.) A written signature or copy of a written signature of the individual or firm applying for registration thereof as a trade-mark ; or

"(c.) A distinctive device, mark, brand, heading, label, or ticket ; or

"(d.) An invented word or invented words ; or

"(e.) A word or words having no reference to the character or quality of the goods, and not being a geographical name.

"(2.) There may be added to any one or more of the essential particulars mentioned in this section any letters, words, or figures, or combination of letters, words, or figures, or any of them, but the applicant for the registration of any such additional matter must state in his application the essential particulars of the trade-mark, and must disclaim in his application any right to the exclusive use of the added matter, and a copy of the statement and disclaimer shall be entered on the register.

"(3.) Provided as follows :—

“A person need not under this section disclaim his own name or the foreign equivalent thereof, or his place of business, but no entry of any such name shall affect the right of any owner of the same name to use that name or the foreign equivalent thereof.”

5. In section 8 of the Principal Act the words “or colours” shall be added after the word “colour” in each place where that word occurs.

6. In section 9 of the Principal Act, after the word “Registrar” shall be added the words “unless the Registrar refuse to entertain the application.”

7.—(1.) In sub-section 1 of section 10 of the Principal Act, for the words “two months” shall be substituted the words “one month or such further time not exceeding three months as the Registrar may allow.”

(2.) In the same sub-section the word “first” shall be omitted.

(3.) In sub-section 2 of the same section, for the words “two months” shall be substituted the words “one month.”

(4.) For sub-sections 3 and 4 of the same sections the following sub-sections shall be substituted, namely :—

“(3.) If the applicant sends such counter-statement the Registrar shall furnish a copy thereof to the person who gave notice of opposition, and shall, after hearing the applicant and the opponent, if so required, decide whether the trade-mark is to be registered; but his decision shall be subject to appeal to the Supreme Court, and the said Court shall have jurisdiction to hear and determine the appeal, and shall hear the applicant and opponent and the Registrar, and shall make an order determining whether, and subject to what conditions (if any), registration is to be permitted.

“(4.) If the applicant abandon his application after notice of opposition in pursuance of this section he shall be liable to pay to the opponent such costs in respect of the opposition as the Registrar may determine to be reasonable.

“(5.) When the opponent is out of the Colony he shall give the Registrar an address for service in the Colony.”

8. In sub-section 2 of section 13 of the Principal Act the following words shall be added at the beginning of the sub-section, namely, “except as aforesaid,” and for the words “so nearly resembling,” shall be substituted the words “having such resemblance to.”

9. In section 14 of the Principal Act the word “exclusive” shall be omitted.

10. For sub-section 2 of section 15 of the Principal Act the following sub-section shall be substituted, namely :—

“2. The applicant for registration of any such addition must, however, state in his application the essential particulars of the

trade-mark, and must disclaim in his application any right to the exclusive use of the added matter, and a copy of the statement and disclaimer shall be entered on the register.

“Provided that a person need not under this section disclaim his own name, or the foreign equivalent thereof, or his place of business, but no entry of any such name shall affect the right of any owner of the same name to use that name or the foreign equivalent thereof.”

11. For section 16 of the Principal Act the following section shall be substituted, namely :—

“Application for registration of a trade-mark shall be deemed to be equivalent to public use of the trade-mark.”

12. After section 18 of the Principal Act the following section shall be added and numbered 18 A, namely :—

“In an action for infringement of a registered trade-mark the Court or a Judge may certify that the right to the exclusive use of the trade-mark came in question, and, if the Court or a Judge so certifies, then in any subsequent action for infringement the plaintiff in that action, on obtaining a final order or judgment in his favour, shall have his full costs, charges, and expenses as between solicitor and client, unless the Court or Judge trying the subsequent action certifies that he ought not to have the same.”

13.—(1.) In sub-section 5 of section 20 of the Principal Act, for the words “the five years” shall be substituted the words “one year.”

(2.) To the same sub-section the following words shall be added, namely, “unless it is shown to the satisfaction of the Registrar that the non-payment of the fee arises from the death or bankruptcy of the registered proprietor, or from his having ceased to carry on business, and that no person claiming under that proprietor or under his bankruptcy is using the trade-mark.”

14. In section 26 of the Principal Act, after the words “subject to” shall be added to the words “the provisions of this Act and to.”

15. In section 28 of the Principal Act, after the words “subject to” shall be added the words “the provisions of this Act and to.”

16. In section 30 of the Principal Act, after the words “of the name of any person” shall be added the words “or of any other particulars.”

17. To section 31 of the Principal Act the following sub-section shall be added, namely :—

“(d.) Permit an applicant for registration of a trade-mark to amend his application by omitting any particular goods or classes of goods in connection with which he has desired the trade-mark to be registered.”

18. The Principal Act shall, as from the commencement of this Act, take effect subject to the additions, omissions, and substitutions required by this Act, but nothing in this Act shall affect the validity of any act done, right acquired, or liability incurred before the commencement of this Act.

19. This Act shall come into operation on a day to be fixed by the Governor by Proclamation.

THOS. D. FOOTE, *President*.

Passed the General Legislative Council the 11th February, 1890.

W. M. GORDON, *Clerk*.

Dated at Dominica, the 3rd day of March, 1890, in the fifty-third year of Her Majesty's reign.

ACT of the Government of the Leeward Islands, to restrict the Introduction of Immigrant Paupers likely to become chargeable to the Colony of the Leeward Islands or any Presidency thereof.

[No. 9.]

[November 24, 1891.]

(L.S.) W. F. HAYNES SMITH.

BE it enacted by the Governor and General Legislative Council of the Leeward Islands as follows:—

1. This Act may be cited for all purposes as “The Immigrant Paupers Act, 1891.”

2. In this Act the term “visiting officer” means a visiting officer acting under any Quarantine Act of the Leeward Islands or any Act or Ordinance of any Presidency thereof, or under any other rule or regulation made pursuant to any such Act or Ordinance.

The term “immigrant pauper” means a person as to whom notice that he is an immigrant pauper is given according to this Act.

The term “pauper charges” means any money expended out of the public funds of the Colony, or any Presidency thereof, or the funds of any Public Board or Corporation, for the relief, maintenance, care, or treatment of any pauper, and the expenses computed, according to a scale prescribed by the Governor, of such relief, maintenance, care, and treatment in any hospital, infirmary, asylum, house of refuge, or other institution for the relief of sick or

destitute persons, if such hospital, infirmary, asylum, house of refuge, or other institution is maintained out of the public funds of the Colony, or of any Presidency thereof, or of the funds of any Public Board or Corporation.

“Treasurer” means the Treasurer of the Presidency at which or at any part whereof any immigrant pauper may desire to land.

3. This Act shall come into operation on a day to be named by the Governor by Proclamation.

4. If, on the arrival at any island of the Colony of any vessel, there is on board any person who, in the opinion of the visiting officer visiting such vessel, is unable by reason of physical or mental infirmity to maintain himself by his own labour and likely, if permitted to land, to become chargeable to the Colony or any Presidency thereof, such visiting officer shall give notice that such person is an immigrant pauper. Such notice may be given verbally or in writing to the master or any of the crew of the vessel, or by writing nailed or affixed to any mast or other part of the vessel, but shall, where practicable, be given to the master.

5. An immigrant pauper shall not, except any permission of the Governor or of the Commissioner of the Presidency at which or at any island whereof such immigrant pauper desires to land, land in any part of the Colony unless one of the following conditions is first complied with, that is to say, either—

(1.) Some person resident in the Presidency at which or at any island whereof the immigrant pauper desires to land, and approved by the Governor or by the Commissioner or Treasurer of the Presidency at which such immigrant pauper desires to land, or, in the case of the Islands of Nevis and Anguilla, by the Magistrate thereof respectively, as sufficient in this behalf shall by deed (which may be in the form given in the Schedule to this Act) covenant with Her Majesty the Queen, her heirs and successors, to repay to the Treasurer any pauper charges which, within one year from the date of such deed, may be incurred in respect of such immigrant pauper; or

(2.) The immigrant pauper shall deposit with the Treasurer or Magistrate aforesaid the sum of 10*l.* to be applied, in the first place, in payment of any pauper charges incurred in respect of the depositor within one year from the time of the deposit, and the balance, if any, or the whole, if no part is applied as aforesaid, to be repaid to the depositor.

6. If any immigrant pauper lands in any part of the Colony contrary to this Act, the vessel by which such immigrant pauper arrived shall be subject to a maritime lien in favour of Her Majesty the Queen, her heirs and successors, for the sum of 50*l.* in respect

of such immigrant pauper who lands as aforesaid, and the amount so charged may be sued for and recovered in the Vice-Admiralty Court accordingly.

The Treasurer, Harbour-master, any Treasury officer, Revenue officer, officers of Customs, or other Government officer of the Presidency at which any such immigrant pauper has landed, or of any island thereof, and in the case of the Islands of Nevis and Anguilla the Magistrate thereof respectively, and also any officer on full pay in the naval or military service of Her Majesty, may detain, and by force if necessary, any vessel charged with the payment of any sum under this section until 6 of the clock in the evening of the day following the landing of the immigrant pauper in respect of whom the sum is charged, provided that such detainer shall cease upon either of the following events, that is to say:—

(1.) Upon payment to the officer detaining the vessel, or the person placed by him in actual charge of the vessel, of all sums charged upon this vessel under this section; or

(2.) Upon the vessel being arrested under process of the Vice-Admiralty Court issued in any proceedings for recovering the sums last aforesaid.

7. Any master of a vessel who knowingly suffers any immigrant pauper who arrives in such vessel to land contrary to this Act shall be guilty of an offence punishable on summary conviction, and liable to a penalty not exceeding 50*l.*; and—

(1.) Any immigrant pauper who knowingly lands and suffers himself to be landed contrary to this Act; and

(2.) Any person who knowingly lands or procures to be landed contrary to this Act, or who aids or assists in landing or procuring to be landed contrary to this Act, any immigrant pauper shall be guilty of an offence punishable on summary conviction, and liable to a penalty not exceeding 50*l.*

8. Any scale for the computation of expenses prescribed by the Governor under this Act shall be published in the “Leeward Islands Gazette,” and may at any time be altered or revoked by the Governor.

A copy of the “Leeward Islands Gazette” purporting to contain any such scale, alteration, or revocation shall be *prima facie* evidence of the tenour and due making of such scale, alteration, or revocation.

9. Notwithstanding anything in any Act of the Leeward Islands or any Act or Ordinance of any Presidency regulating the execution and proof, registration, and admission in evidence of deeds or other documents, any deed executed in pursuance of this Act may be registered if it is executed in the presence of a witness and before any of the following persons:—

The Commissioner ;

The Treasurer ;

Any Harbour-master ;

Any visiting officer ;

Any Inspector of Police ;

Any Revenue officer ;

Any Magistrate ;

Any Justice of the Peace ;

Any Barrister, Advocate, Conveyancer, or Notary Public.

No fee shall be payable in respect of the registration of any deed executed in pursuance of this Act.

10. Nothing in this Act shall apply to any immigrants brought to the Colony or any Presidency thereof under any law relating to immigration, or to any ship bringing such immigrants, or to any native of any island of the Colony.

11. Any money received by any Magistrate aforesaid under subsection 2 of section 5 of this Act shall be at once paid over to the Treasurer, who shall place the same to an account in the books of the Treasury of the Presidency whereof he is Treasurer, entitled "Immigrant Paupers' Deposit Account."

H. OGILVIE BENNETT, *President*.

Passed the General Legislative Council, this 24th day of November, 1891.

W. M. GORDON, *Clerk*.

Dated at Antigua, the 9th day of January, 1892, in the fifty fifth year of Her Majesty's reign.

THE SCHEDULE.

Leeward Islands, Presidency of

To all to whom these presents shall come, *A. B.*, of _____, sendeth greeting :

WHEREAS *I. S.*, who arrived in the Island of _____ by the ship _____, is an immigrant pauper within the meaning of "The Immigrant Pauper Act, 1891."

And whereas the said *A. B.* desires to enable the same *I. S.* to land in the Island of _____. He, the said *A. B.*, doth hereby for himself, his heirs, executors, and administrators, covenant with Her Majesty the Queen, her heirs and successors, that he, said *A. B.*, will on demand forthwith repay to the Treasurer of the Presidency of _____ any pauper charges which within one year from the day of the date of these presents may be incurred in respect of the said *I. S.*

ORDINANCE of the Government of the Falkland Islands, to consolidate and amend the Law relating to Fraudulent Marks on Merchandize.

[No. 1.]

[Assented to February 18, 1889.]

THOMAS KERR, C.M.G., *Governor*.

WHEREAS it is expedient to consolidate and amend the Law relating to Fraudulent Marks on Merchandize :

Be it enacted by the Governor of the Falkland Islands and their dependencies, with the advice and consent of the Legislative Council thereof, as follows :—

1. This Ordinance may be cited as “The Merchandize Marks Ordinance, 1889.”

2.—(1.) Every person who—

(a.) Forges any trade-mark ; or

(b.) Falsely applies to goods any trade-mark or any mark so nearly resembling a trade-mark as to be calculated to deceive ; or

(c.) Makes any die, block, machine, or other instrument for the purpose of forging, or of being used for forging, a trade-mark ; or

(d.) Applies any false trade description to goods ; or

(e.) Disposes of or has in his possession any die, block, machine, or other instrument for the purpose of forging a trade-mark ; or

(f.) Causes any of the things above in this section mentioned to be done ;

Shall, subject to the provisions of this Ordinance, and unless he proves that he acted without intent to defraud, be guilty of an offence against this Ordinance.

(2.) Every person who sells or exposes for, or has in his possession for, sale, or any purpose of trade or manufacture, any goods or things to which any forged trade-mark or false trade description is applied, or to which any trade-mark or mark so nearly resembling a trade-mark as to be calculated to deceive is falsely applied, as the case may be, shall, unless he proves—

(a.) That, having taken all reasonable precautions against committing an offence against this Ordinance, he had at the time of the alleged offence no reason to suspect the genuineness of the trade-mark or trade description ; and

(b.) That, on demand made by or on behalf of the prosecutor, he gave all the information in his power with respect to the persons from whom he obtained such goods or things ; or

(c.) That otherwise he had acted innocently ;

Be guilty of an offence against this Ordinance.

(3.) Every person guilty of an offence against this Ordinance shall be liable—

(i.) On conviction on indictment to imprisonment, with or without hard labour, for a term not exceeding two years or to fine, or to both imprisonment and fine; and

(ii.) On summary conviction to imprisonment, with or without hard labour, for a term not exceeding four months or to a fine not exceeding 20*l.*, and in the case of a second or subsequent conviction to imprisonment, with or without hard labour, for a term not exceeding six months, or to a fine not exceeding 30*l.*; and

(iii.) In any case to forfeit to Her Majesty every chattel, article, instrument, or thing by means of or in relation to which the offence has been committed.

(4.) The Court before whom any person is convicted under this section may order any forfeited articles to be destroyed or otherwise disposed of as the Court thinks fit.

(5.) If any person feels aggrieved by any conviction made by a Police Magistrate he may appeal therefrom to the Supreme Court under the provisions of "The Administration of Justice Ordinance, 1876."

(6.) Any offence for which a person is under this Ordinance liable to punishment on summary conviction may be prosecuted in manner provided by "The Summary Jurisdiction Ordinance, 1853." Provided that a person charged with an offence under this section before a Police Magistrate or two Justices of the Peace shall, on appearing before the Court and before the charge is gone into, be informed of his right to be tried on indictment, and, if he requires, to be so tried accordingly.

(7.) All fines and penalties imposed by this Ordinance shall be due to Her Majesty, her heirs and successors, and shall be paid to the Treasurer for the public uses of this Colony.

3.—(1.) For the purposes of this Ordinance—

The expression "trade-mark" means a trade-mark registered in the register of trade-marks kept under the provisions of the Act of the Imperial Parliament, which may be cited as "The Patent, Designs, and Trade-marks Act, 1883,"* and includes any trade-mark which either, with or without registration, is protected by law in this Colony or in any British Possession or Foreign State to which the provisions of the 103rd section of the said "Patents, Designs, and Trade-marks Act, 1883," are under Order in Council for the time being applicable.

The expression "trade description" means any description, statement, or other indication direct or indirect.

(a.) As to the number, quantity, measure, gauge, or weight of any goods; or

* Vol. LXXIV, page 211.

(b.) As to the place or country in which any goods were made or produced ; or

(c.) As to the mode of manufacturing or producing any goods ; or

(d.) As to the material of which any goods are composed ; or

(e.) As to any goods being the subject of an existing patent, privilege, or copyright ;

And the use of any figure, work, or mark which, according to the custom of the trade, is commonly taken to be an indication of any of the above matters, shall be deemed to be a trade description within the meaning of this Ordinance.

The expression "false trade description" means a trade description which is false in a material respect as regards the goods to which it is applied, and includes every alteration of a trade description whether by way of addition, effacement, or otherwise, where that alteration makes the description false in a material respect, and the fact that a trade description is a trade-mark or part of a trade-mark shall not prevent such trade description being a false trade description within the meaning of this Ordinance.

The expression "goods" means anything which is the subject of trade, manufacture, or merchandize.

The expressions "person," "manufacturer, dealer, or trader," and "proprietor," include any body of persons corporate or unincorporate.

The expression "name" includes any abbreviation of a name.

(2.) The provisions of this Ordinance respecting the application of a false trade description to goods shall extend to the application to goods of any such figures, words, or marks, or arrangement or combination thereof, whether including a trade-mark or not, as are reasonably calculated to lead persons to believe that the goods are the manufacture or merchandize of some person other than the person whose manufacture or merchandize they really are.

(3.) The provisions of this Ordinance respecting the application of a false trade description to goods, or respecting goods to which a false trade description is applied, shall extend to the application to goods of any false name or initials of a person and to goods with the false name or initials applied in like manner as if such name or initials were a trade description, and for the purpose of this enactment the expression false name or initials means as applied to any goods, any name, or initials of a person which—

(a.) Are not a trade-mark or part of a trade-mark ; and

(b.) Are identical with, or a colourable imitation of, the name or initials of a person carrying on business in connection with goods of the same description, and not having authorized the use of such name or initials ; and

(c.) Are either those of a fictitious person or of some person not *bonâ fide* carrying on business in connection with such goods.

4. A person shall be deemed to forge a trade-mark who either—

(a.) Without the assent of the proprietor of the trade-mark makes that trade-mark or a mark so nearly resembling that trade-mark as to be calculated to deceive; or

(b.) Falsifies any genuine trade-mark, whether by alteration, addition, effacement, or otherwise;

And any trade-mark or mark so made or falsified is in this Ordinance referred to as a forged trade-mark.

Provided that in any prosecution for forging a trade-mark the burden of proving the assent of the proprietor shall lie on the defendant.

5.—(1.) A person shall be deemed to apply a trade-mark or mark or trade description to goods who—

(a.) Applies it to the goods themselves; or

(b.) Applies it to any covering, label, reel, or other thing in or with which the goods are sold or exposed, or had in possession for any purpose of sale, trade, or manufacture; or

(c.) Places, incloses, or annexes any goods which are sold or exposed, or had in possession, for any purpose of sale, trade, or manufacture in, with, or to any covering, label, reel, or other thing to which a trade-mark or trade description has been applied; or

(d.) Uses a trade-mark, or mark, or trade description in any manner calculated to lead to the belief that the goods in connection with which it is used are designated or described by that trade-mark, or mark, or trade description.

(2.) The expression “covering” includes any stopper, cask, bottle, vessel, box, cover, capsule, case, frame, or wrapper, and the expression “label” includes any band or ticket.

A trade-mark, or mark, or trade description shall be deemed to be applied whether it is woven, impressed, or otherwise worked into or annexed or affixed to the goods or to any covering, label, reel, or other thing.

(3.) A person shall be deemed to falsely apply to goods a trade-mark or mark who, without the assent of the proprietor of a trade-mark, applies such trade-mark, or a mark so nearly resembling it as to be calculated to deceive; but in any prosecution for falsely applying a trade-mark or mark to goods, the burden of proving the assent of the proprietor shall lie on the defendant.

6. Where a defendant is charged with making any die, block, machine, or other instrument, for the purpose of forging or being used for forging a trade-mark, or with falsely applying to goods any trade-mark or any mark so nearly resembling a trade-mark as to be calculated to deceive, or with applying to goods any false trade

description, or causing any of the things in this section mentioned to be done, and proves—

(a.) That in the ordinary course of his business he is employed on behalf of other persons to make dies, blocks, machines, or other instruments for making, or being used in making, trade-marks, or as the case may be, to apply marks or descriptions to goods, and that in the case which is the subject of the charge he was so employed by some person resident in the Colony, and was not interested in the goods by way of profit or commission dependent on the sale of such goods; and

(b.) That he took reasonable precautions against committing the offence charged; and

(c.) That he had at the time of the commission of the alleged offence no reason to suspect the genuineness of the trade-mark, mark, or trade description; and

(d.) That he gave to the prosecutor all the information in his power with respect to the persons on whose behalf the trade-mark, mark, or trade description was applied;

He shall be discharged from the prosecution, but shall be liable to pay the costs incurred by the prosecutor, unless he has given due notice to him that he will rely on the above defence.

7. Where a watch-case has thereon any words or marks which constitute, or are by common repute considered as constituting, a description of the country in which the watch was made, and the watch bears no description of the country where it was made, those words or marks shall, *primâ facie*, be deemed to be a description of that country within the meaning of this Ordinance, and the provisions of this Ordinance with respect to goods to which a false trade description has been applied, and with respect to selling or exposing for, or having in possession for, sale, or any purpose of trade or manufacture, goods with a false trade description, shall apply accordingly, and for the purposes of this section the expression "watch" means all that portion of a watch which is not the watch-case.

8. In any indictment, pleading, proceeding, or document in which any trade-mark or forged trade-mark is intended to be mentioned, it shall be sufficient, without further description and without any copy or facsimile, to state that trade-mark or forged trade-mark to be a trade-mark or forged trade-mark.

9. In any prosecution for an offence against this Ordinance—

(1.) A defendant and his wife, or her husband, as the case may be, may, if the defendant thinks fit, be called as a witness, and if called shall be sworn and examined, and may be cross-examined and re-examined in like manner as any other witness.

(2.) In the case of imported goods evidence of the port of

shipment shall be *prima facie* evidence of the place or country in which the goods were made or produced.

10. Any person who, being within this Colony, procures, counsels, aids, abets, or is accessory to the commission without this Colony of any act which, if committed within this Colony, would, under this Ordinance, be a misdemeanour, shall be guilty of that misdemeanour as a principal, and be liable to be indicted, proceeded against, tried, and convicted in any place in this Colony in which he may be, as if the misdemeanour had been there committed.

11.—(1.) Where, upon information of an offence against this Ordinance, a Justice of the Peace has issued either a summons requiring the defendant charged by such information to appear to answer to the same, or a warrant for the arrest of such defendant, and either the said Justice, on or after issuing the said summons or warrant, or any other Justice of the Peace, is satisfied by information on oath that there is reasonable cause to suspect that any goods or things by means of or in relation to which such offence has been committed are in any house or premises of the defendant, or otherwise in his possession or under his control in any place, such Justice may issue a warrant under his hand by virtue of which it shall be lawful for any constable named or referred to in the warrant to enter any such house, premises, or place at any reasonable time by day, and to search there for and seize and take away those goods or things, and any goods or things seized under any such warrant shall be brought before a Police Magistrate or two Justices of the Peace for the purpose of its being determined whether the same are or are not liable to forfeiture under this Ordinance.

(2.) If the owner of any goods or things which, if the owner thereof had been convicted, would be liable to forfeiture under this Ordinance is unknown or cannot be found, an information or complaint may be laid for the purpose only of enforcing such forfeiture, and a Police Magistrate or two Justices of the Peace may cause notice to be advertised stating that unless cause is shown to the contrary at the time and place named in the notice such goods or things will be forfeited, and at such time and place the Police Magistrate or two Justices of the Peace, unless the owner or any person on his behalf, or other person interested in the goods or things, shows cause to the contrary, may order such goods or things or any of them to be forfeited.

(3.) Any goods or things forfeited under this section or under any other provision of this Ordinance may be destroyed or otherwise disposed of in such manner as the Court by which the same are forfeited may direct, and the Court may, out of any proceeds

which may be realized by the disposition of such goods (all trade-marks and trade descriptions being first obliterated), award to any innocent party any loss he may have innocently sustained in dealing with such goods.

12.* On any prosecution under this Ordinance the Court may order costs to be paid to the defendant by the informant, or to the informant by the defendant, having regard to the information given by, and the conduct of, the defendant and informant respectively.

13. No prosecution for an offence against this Ordinance shall be commenced after the expiration of three years next after the commission of the offence, or one year next after the first discovery thereof by the prosecutor, whichever expiration first happens.

14. Whereas it is expedient to make further provision for prohibiting the importation of goods which, if sold, would be liable to forfeiture under this Ordinance—

Be it therefore enacted as follows:—

(1.) All such goods, and also all goods of foreign manufacture, bearing any name or trade-mark being or purporting to be the name or trade-mark of any manufacturer, dealer, or trader in the United Kingdom or any British possession, unless such name or trade-mark is accompanied by a definite indication of the country in which the goods were made or produced, are hereby prohibited to be imported into this Colony.

(2.) Before detaining any such goods or taking any further proceedings with a view to the forfeiture thereof under the Law relating to the Customs, the Collector of Customs may require the regulations under this section, whether as to information, security conditions, or other matters to be complied with, and may satisfy himself, in accordance with those regulations, that the goods are such as are prohibited by this section to be imported.

(3.) The Governor in Council may from time to time make, revoke, and vary regulations, either general or special, respecting the detention and forfeiture of goods, the importation of which is prohibited by this section, and the conditions, if any, to be fulfilled before such detention and forfeiture, and may by such regulations determine the information, notices, and security to be given, and the evidence requisite for any of the purposes of this section, and the mode of verification of such evidence.

(4.) Where there is on any goods a name which is identical with, or a colourable imitation of, the name of a place in the United Kingdom, that name, unless accompanied by the name of the country in which such place is situate, shall be treated for the

* Repealed and new section substituted by Ordinance No. 14 of 1889, page 136.

purposes of this section as if it were the name of a place in the United Kingdom.

(5.) Such regulations may apply to all goods the importation of which is prohibited by this section, or different regulations may be made respecting different classes of such goods, or of offences in relation to such goods.

(6.) The Collector of Customs in administering the regulations and generally in the administration of this section, whether in the exercise of any discretion or opinion or otherwise, shall act under the control of the Governor.

(7.) The regulations may provide for the informant reimbursing the Collector of Customs all expenses and damages incurred in respect of any detention made on his information and of any proceedings consequent on such detention.

(8.) All regulations under this section shall be published in the "Government Gazette."

15. On the sale, or in the contract for the sale, of any goods to which a trade-mark, or mark, or trade description has been applied, the vendor shall be deemed to warrant that the mark is a genuine trade-mark, and not forged or falsely applied, or that the trade description is not a false trade description within the meaning of this Ordinance, unless the contrary is expressed in some writing signed by or on behalf of the vendor and delivered at the time of the sale or contract to, and accepted by, the vendee.

16. Where, at the passing of this Ordinance, a trade description is lawfully and generally applied to goods of a particular class or manufactured by a particular method to indicate the particular class or method of manufacture of such goods, the provisions of this Ordinance with respect to false trade descriptions shall not apply to such trade description when so applied. Provided that where such trade description includes the name of a place or country, and is calculated to mislead as to the place or country where the goods to which it is applied were actually made or produced, and the goods are not actually made or produced in that place or country, this section shall not apply unless there is added to the trade description immediately before or after the name of that place or country, in an equally conspicuous manner with that name, the name of the place or country in which the goods were actually made or produced, with a statement that they were made or produced there.

17.—(1.) This Ordinance shall not exempt any person from any action, suit, or other proceeding which might but for the provisions of this Ordinance be brought against him.

(2.) Nothing in this Ordinance shall entitle any person to refuse to make a complete discovery or to answer any question or inter-

rogatory in any action, but such discovery or answer shall not be admissible in evidence against such person in any prosecution for an offence against this Ordinance.

(3.) Nothing in this Ordinance shall be construed so as to render liable to any prosecution or punishment any servant of a master resident in this Colony, who *bonâ fide* acts in obedience to the instructions of such master, and on demand made by or on behalf of the prosecutor has given full information as to his master.

18. Any person who falsely represents that any goods are made by a person holding a Royal Warrant, or for the service of Her Majesty or any of the Royal Family, or any Government Department, shall be liable, on summary conviction, to a penalty not exceeding 20*l*.

19. The Governor in Council may from time to time make, alter, and rescind regulations for the better administration of this Ordinance in any matter not sufficiently provided for.

Passed the Legislative Council, this 18th day of February, in the year of our Lord 1889.

HENRY B. L. JAMESON, *Clerk to the Legislative Council.*

I assent to this Ordinance this 18th day of February, in the year of our Lord 1889.

T. KERR, *Governor.*

ORDINANCE of the Government of the Falkland Islands, to consolidate and further amend the Law relating to Fraudulent Trade-marks on Merchandize.

[No. 14.]

— [December 27, 1889.]

EDWARD PAKENHAM BROOKS, *Administrator.*

WHEREAS it is expedient to amend Ordinance No. 1 of 1889* as it originally stood :

Be it enacted by the Administrator of the Government of the Falkland Islands and their dependencies, with the advice and consent of the Legislative Council thereof, as follows :—

1. Section 12 of Ordinance No. 1 of 1889 is hereby repealed.

2. On any prosecution under this Ordinance the Court may order costs to be paid to the defendant by the prosecutor or to the prosecutor by the defendant, having regard to the information given by, and the conduct of, the defendant and prosecutor respectively.

3. This Ordinance shall be read and construed as one with Ordinance No. 1 of 1889.

Passed the Legislative Council this 27th day of December, in the year of our Lord 1889.

HENRY B. L. JAMESON, *Clerk to the
Legislative Council.*

I assent to this Ordinance this 27th day of December, in the year of our Lord 1889.

E. PAKENHAM BROOKS, *Administrator.*

ORDINANCE of the Government of the Falkland Islands, to provide for the Payment of Expenses arising out of the Trial, under the Foreign Jurisdiction Acts, of British Subjects who are Natives of or Residents in the Colony of the Falkland Islands.

[No. 3.]

[May 10, 1890.]

THOMAS KERB, C.M.G., *Governor.*

WHEREAS under the Foreign Jurisdiction Acts British subjects who are natives of or ordinarily residents in the Colony of the Falkland Islands are liable to be tried by Her Majesty's Courts exercising jurisdiction in foreign countries;

And whereas it is desirable that provision should be made for the payment of expenses incidental to, or consequent on, such trial:

Be it enacted by the Governor of the Falkland Islands and their dependencies, with the advice and consent of the Legislative Council thereof, as follows:—

1. In this Ordinance the expression "Foreign Jurisdiction Acts" means those Acts which do now or shall hereafter regulate the exercise by the Crown of the powers and jurisdiction acquired by it, by whatsoever means, in countries out of Her Majesty's dominions.

2. Where a British subject who is a native of or is ordinarily resident in the Colony of the Falkland Islands commits an offence in a foreign country in which Her Majesty exercises jurisdiction over British subjects, and is tried, convicted, or acquitted on the ground of insanity, by any of Her Majesty's Courts exercising jurisdiction over British subjects under the Foreign Jurisdiction Acts in such foreign country, the expenses of or incidental to the apprehension, trial, conviction, or acquittal on the ground of

insanity, of such person, or of his removal to the Colony or place in which he is to undergo his sentence or be confined as a criminal lunatic, or of his maintenance during such imprisonment or confinement, so far as they cannot be met out of his effects by any order of the Court by which he was tried, shall be paid out of the general revenues of this Colony by the Colonial Treasurer on the written authority and directions of the Governor.

3. This Ordinance may be cited as "The Foreign Jurisdiction Act (Expenses) Ordinance, 1890."

Passed the Legislative Council this 10th day of May, in the year of our Lord 1890.

E. PAKENHAM BROOKS, *Colonial Secretary and Acting Clerk to the Legislative Council.*

I assent to this Ordinance this 10th day of May, in the year of our Lord 1890.

T. KERR, *Governor.*

ORDINANCE of the Government of the Falkland Islands, to repeal the Naturalization Ordinance No. 2 of 1891.

[No. 9.]

[1891.]

ROGER TUCKFIELD GOLDSWORTHY, K.C.M.G.,
Governor.

WHEREAS it is expedient to repeal Ordinance No. 2 of 1891 entitled "The Naturalization Ordinance," under which the privileges of British-born subjects within the Colony of the Falkland Islands may be granted to aliens desirous of becoming naturalized, and to re-enact the same with amendments:

Be it enacted by the Governor of the Falkland Islands and their dependencies, with the advice and consent of the Legislative Council, as follows:—

1. The Naturalization Ordinance No. 2 of 1891 is hereby repealed.

2. This Ordinance may be cited as "The Naturalization Amendment Ordinance, 1891."

3. An alien who has resided in this Colony, or has been in the service of the Crown for a term in either case of not less than three years, and who, when naturalized, intends to reside in this Colony or to serve under the Crown, may apply to the Governor in Council for a certificate of naturalization.

4. The applicant shall, in support of his application (as per Schedule A), which must be approved of by two Justices of the

Peace, adduce such evidence as the Governor in Council may require, and it shall be in the power of the Governor in Council, after consideration of the case of the applicant, to grant or withhold a certificate of naturalization as he may think most conducive to the public good, and no appeal shall be from the decision of the Governor in Council.

5. The applicant before a certificate of naturalization is granted to him shall have taken the oath of allegiance (as in Schedule B) before the Governor (which oath the Governor is hereby authorized to administer), and shall, upon such certificate being granted to him, to all intents and purposes whatsoever be entitled, within the limits of this Colony, to all the privileges, and shall be subject to all the obligations, of a British-born subject of Her Majesty.

6. The Governor shall, immediately after such oath has been taken before him, certify the same, and cause such certificate according to the form (as in Schedule C) and oath to be recorded in the office of the Registrar of this Colony.

7. The fees payable in respect of a certificate of naturalization shall be those set forth in Schedule (D) to this Ordinance, and all such fees shall be paid into the Colonial Treasury for the use of the Colony.

Passed the Legislative Council this 14th day of December, in the year of our Lord 1891.

W. A. HARDING, *Clerk to the Legislative Council.*

SCHEDULE (A).

Form of Application.

I, _____, a native of _____, being desirous of obtaining the privileges of a British-born subject in the Falkland Islands and their dependencies, do hereby make application to the Governor for the grant of a certificate of naturalization (in terms of "The Naturalization Amendment Ordinance, 1891"), and submit the following statement in support thereof:—

Age: _____

Occupation: _____

Length of residence in Colony: _____

Reason for application: _____

Dated at Stanley this _____ day of _____, 18 _____.

(*Signature of Applicant.*)

We approve of the above application, and recommend the same to the consideration of the Governor in Council.

_____, *J.P.*

_____, *J.P.*

SCHEDULE (B).

Oath of Allegiance.

I, _____, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, her heirs and successors, according to law. So help me God.

SCHEDULE (C).

Certificate of Naturalization.

FALKLAND ISLANDS.

“The Naturalization Amendment Ordinance, 1891.”

No. .

WHEREAS _____, an alien, now residing in _____, has presented to me a Memorial praying for a certificate of naturalization, and alleging that he is a _____, and that he has resided in this Colony for a term of _____ years [*or*, has been in the service of the Crown for a term of _____ years], and intends when naturalized to reside in this Colony [*or*, to serve under the Crown] :

And whereas I have inquired into the circumstances of the case, and have received such evidence as I have deemed necessary for proving the truth of the allegations contained in such Memorial so far as the same relate to the memorialist :

Now, in pursuance of the authority given to me by the said Ordinance, I grant to the aforesaid _____ this certificate, and declare that he is hereby naturalized as a British subject, and that upon his taking the oath of allegiance and recording this certificate and the said oath of allegiance in the manner provided by the said Ordinance, he shall in this Colony be entitled to all political and other rights, powers, and privileges, and be subject to all obligations to which a natural-born British subject is entitled or subject in this Colony, with this qualification, that he shall not when within the limits of the foreign State, of which he was a subject previously to his obtaining this certificate of naturalization, be deemed to be a British subject, unless he has ceased to be a subject of that State in pursuance of the laws thereof, or in pursuance of a Treaty to that effect.

_____, Governor.

SCHEDULE (D).

Table of Fees.

For what Payable.	Amount Payable.	To whom Payable.
	£ s. d.	
Certificate of naturalization ..	2 0 0	The Colonial Secretary.
Recording certificate and oath ..	1 0 0	The Registrar.
Certified copy of same ..	1 0 0	The Registrar.

ORDINANCE of the Government of Malta, to provide for the Preservation of Copies of Books printed in those Islands, and for the Registration thereof.

[No. 2.]

[Assented to, June 11, 1888.]

WHEREAS by section 8 of the Act of the Imperial Parliament, called "The International Copyright Act, 1886,"* it is enacted that—

"The Copyright Acts shall, subject to the provisions of this Act, apply to a literary or artistic work first produced in a British possession in like manner as they apply to a work first produced in the United Kingdom :

" Provided that—

"(a.) The enactments respecting the registry of the copyright in such work shall not apply, if the law of such possession provides for the registration of such copyright ;"

And whereas it is expedient to provide for the preservation of three copies of books printed or lithographed in these islands, and for the registration of such books, it is hereby enacted and ordained by his Excellency the Governor, with the advice and consent of the Council of the Government, as follows :—

ART. 1. In this Ordinance the term "book" includes every volume, part or division of a volume, and pamphlet, in any language, and every sheet of music, map, chart, or plan, separately printed or lithographed; but it does not include any publication which consists merely of a newspaper, a price list, sale catalogue, annual report, circular, or advertisement.

2. Whoever is willing to avail himself, in reference to any book printed or lithographed in these islands, of the rights secured by the said Copyright Acts, shall deliver three copies of that book, within one month from the day in which it shall first be delivered out of the press, free of any charge, at such office as the Head of the Government shall direct by a Notice to be published in the Government Gazette.

Together with the said copies, all maps, prints, and engravings belonging to the said book, finished and coloured in the same manner as the best copies, shall be delivered.

Any second and subsequent edition, with any additions or alterations, whether in the letterpress or in the maps, prints, or engravings, and whether the first edition shall have been published before or after the promulgation of this Ordinance, shall also be delivered.

The said three copies shall be delivered bound or sewed, and on the best paper upon which the book shall have been published or lithographed.

* Vol. LXXVII, page 966.

3. The officer charged with the receipt of the copies referred to in the preceding Article shall give a receipt in writing for the copies received.

4. One of such copies shall be transmitted to the British Museum, another copy shall be disposed of as the Head of the Government shall direct, and another copy shall, after a Memorandum containing the particulars mentioned in Article 5 respecting the said book shall have been registered as hereinafter provided, be deposited in the Public Library.

5. There shall be kept in the office mentioned in Article 2 a book to be called "a catalogue of books printed in the Island of Malta and its dependencies," wherein, in reference to every book which shall have been delivered pursuant to Article 2, shall be registered a Memorandum containing the following particulars:—

(1.) The title of the book and the contents of the title-page, with a translation into English of such title and contents, when they are not in that language;

(2.) The language in which the book is written;

(3.) The name of the author, translator, or editor of the book or of any part thereof;

(4.) The subject;

(5.) The place of printing and the place of publication;

(6.) The name or firm of the printer, and the name or firm of the publisher;

(7.) The date of issue from the press or of the publication;

(8.) The number of leaves or pages;

(9.) The size;

(10.) The first, second, or other number of the edition;

(11.) The number of copies of which the edition consists;

(12.) Whether the book is printed or lithographed;

(13.) The price at which the book is sold to the public;

(14.) The name and residence of the proprietor of the copyright.

Such registration shall be made as soon as possible after the delivery of the copies of the book.

6. The Memoranda registered, during each quarter, in the said catalogue shall be published in the Government Gazette as soon as may be after the end of such quarter; and a copy of such Memoranda so published shall be sent to the Secretary of State for the Colonies, and two copies to the Principal Librarian of the British Museum.

7. It shall be lawful for the Head of the Government to make regulations for carrying out the objects of this Ordinance, and from time to time to repeal or alter such regulations or to make any additions thereto.

Such regulations, and any repeal or alteration thereof, or any addition thereto, shall be published in the Government Gazette.

8. It shall also be lawful for the Head of the Government, by a Notice to be published in the Government Gazette, to exclude any class of books from the operation of the whole or any part of this Ordinance.

Passed the Council of Government, May 16, 1888.

EMILIO DE PETRI, *Clerk to the Council.*

Assented to this 11th day of June, 1888.

(L.S.) J. L. A. SIMMONS, *Governor.*

By command.

WALTER HELY-HUTCHINSON, *Lieutenant-Governor*
and Chief Secretary to Government.

ORDINANCE of the Government of Malta, to authorize the Head of the Government to prohibit, in certain cases, the Exportation, or Conveyance by Sea, of certain articles.

[No. 4.]

[Assented to, February 20, 1889.]

WHEREAS it is expedient to authorize the Head of the Government to prohibit, in certain cases, the exportation or conveyance by sea of certain articles, it is hereby enacted and ordained by his Excellency the Governor, with the advice and consent of the Council of Government, as follows:—

ART. 1. It shall be lawful for the Head of the Government, whenever he shall deem it expedient for the security and defence of these islands, to prohibit, by a Notice to be published in the Government Gazette, the following goods to be exported or carried coastwise: arms, ammunition, and gunpowder, military and naval stores, and any articles which the Head of the Government shall judge capable of being converted into, or made useful in increasing the quantity of, military or naval stores, provisions, or any sort of victual, which may be used as food for man; and if any goods so prohibited shall be exported or brought to any quay or other place to be shipped for exportation from these islands, or carried coastwise, or be water-borne to be so exported or carried, they shall be forfeited, and the exporter or his agent or the shipper of any such goods shall be liable to the penalty of 100*l*.

2. The forfeiture referred to in the preceding Article shall take place *ipso jure*, without the necessity of any judicial procedure, whenever, within eight days from the date of the publication of a notice signed by the Superintendent of Police, no one shall have,

either by an official letter or by another letter addressed to the said Superintendent, claimed the goods seized.

The said notice shall specify the goods seized by the marks or other external signs that they may have, and the reason of the seizure thereof; it shall state that, in default of any claim being preferred by an official letter or by another letter addressed to the Superintendent of Police within the term of eight days to be reckoned from the day of the said notice, the aforesaid goods shall be forfeited, and it shall be published in the Government Gazette and posted up at the door of the principal police station in Valletta.

3. It shall be competent for the Crown Advocate, as representing the Government, to sue, before the competent Court, for the recovery of the penalty referred to in Article 1, as well as for goods forfeited under this Ordinance whenever legal proceedings shall be rendered necessary to that effect.

Passed the Council of Government, February 13, 1889.

EMILIO DE PETRI, *Clerk to the Council*.

Assented to this 20th day of February, 1889.

(L.S.) H. TORRENS, *Governor*.

By command.

WALTER HELY-HUTCHINSON, *Lieutenant-Governor*
and *Chief Secretary to Government*.

ORDINANCE of the Government of Malta, to encourage Inventions and Improvements in Mechanical Contrivances and Processes of Industrial Manufacture.

[No. 5.]

[Assented to, March 6, 1893.]

WHEREAS it is expedient to encourage inventions and improvements in mechanical contrivances and processes of industrial manufacture, it is hereby enacted and ordained by his Excellency the Governor, with the advice and consent of the Council of Government, as follows:—

ART. 1. The Head of the Government may, by a Notice to be published in the Government Gazette, grant to the first and true inventor the exclusive right of manufacturing or using, for purposes of gain, any mechanical contrivance, process of manufacture, pattern, or design for a term not exceeding fourteen years.

Such exclusive right for the scope of this Ordinance constitutes a patent.

2. The applicant for such patent shall file, in the Chief Secretary's office, two copies of a first specification of his invention. The first specification shall contain—

(1.) A declaration that the applicant is himself, or that he is the authorized agent of, the true and first inventor;

(2.) A description of the nature of the invention, illustrating the same with the necessary drawings;

(3.) The particular inventions or combinations therein which are claimed by the applicant as new, and for which he asks such patent.

3. There shall be paid, in respect to applications and grants of patents under this Ordinance, such fees, not exceeding those mentioned in the Schedule hereto annexed, as the Government shall fix in each case.

4. Subject to the provisions of Article 8, such patent shall cease whenever it shall be proved, before the competent Civil Court, by any one suing for such declaration, that the invention claimed has been previously made publicly known in these islands, or that the person claiming the patent is not the first inventor or his representative.

5. An inventor may be required to assign his right, or to grant the use thereof, for a consideration to be determined by the competent Civil Court, if the invention or modification to which the patent refers shall not have been put into use within twelve months subsequent to the concession, or if its working shall have been suspended for twelve months continuously.

6. A copy of every specification shall be preserved in the Public Registry or other office which the Head of the Government shall appoint by a Notice to be published in the Government Gazette; and another copy shall be kept in the Chief Secretary's office.

7. An inventor to whom such patent has been granted may, on filing the first specification, request that it be not published, and he may, within a year of the filing of the first specification, file a second amended specification, modifying the first and setting out improvements of details tending to the perfection of the original invention, without altering its nature and without adding to the claims made by the inventor in the first specification. Unless the above request is made, the specification may be made public by the Head of the Government at any time.

8. Any person who has applied for protection of an invention in the United Kingdom, or in any British possession, or any person who has applied for protection in any foreign State with which Her Majesty has made an arrangement for mutual protection of inventions, shall be entitled to a patent for his invention in these islands under this Ordinance, in priority to other applicants, and such

patent shall have the same date as the date of the application in the United Kingdom, British possession, or foreign State, as the case may be.

Provided that his application is made within seven months from his applying for protection in the United Kingdom, British possession, or foreign State with which the arrangement is in force, as the case may be.

Provided that nothing in this Article contained shall entitle the patentee to recover damages for infringements happening prior to the date of the actual acceptance of his complete specification.

The publication in these islands during the period aforesaid of any description of the invention, or the use therein during such period of the invention, shall not invalidate the patent which may be granted for the invention.

The application for the grant of a patent under this Ordinance must be made in the same manner as in ordinary applications.

With respect to foreign States, the provisions of this Article shall apply only in the case of those foreign States with respect to which Her Majesty shall, from time to time, by Order in Council, declare the provisions of section 103 of the Imperial Act 46 and 47 Vict., cap. 57,^a to be applicable, and so long only, in the case of each State, as the Order in Council shall continue in force with respect to that State.

9. The Head of the Government may refuse to grant any patent when there appears to him sufficient reasons for such refusal. He may also, by Notice in the Government Gazette, enact from time to time any regulations which he may deem necessary for the carrying out of this Ordinance.

10. The Ordinance No. 13 of 1889 is revoked without prejudice of any right acquired under that Ordinance.

Passed the Council of Government, March 1, 1893.

EMILIO DE PETRI, *Clerk to the Council*.

Assented to this 6th day of March, 1893.

(L.S.) H. A. SMYTH, *Governor*.

By command.

G. STRICKLAND, *Chief Secretary to Government*.

SCHEDULE OF FEES.

	£	s.	d.
On filing of application for patent	1	0	0
On publication of grant in Government Gazette	2	0	0

Annual Fees.

	£	s.	d.
Before the expiration of the fourth year from the date of the patent	0	4	0
Before the expiration of the fifth year from the date of the patent	0	5	0
Before the expiration of the sixth year from the date of the patent	0	5	0
Before the expiration of the seventh year from the date of the patent	0	5	0
Before the expiration of the eighth year from the date of the patent	0	7	10
Before the expiration of the ninth year from the date of the patent	0	7	10
Before the expiration of the tenth year from the date of the patent	1	0	0
Before the expiration of the eleventh year from the date of the patent	0	10	0
Before the expiration of the twelfth year from the date of the patent	0	10	0
Before the expiration of the thirteenth year from the date of the patent	—		
	0	10	0

ORDINANCE of the Government of Malta, to make some provisions in order better to repress the Sale of Foreign Lottery Tickets.

[No. 8.]

[Assented to, April 17, 1893.]

WHEREAS it is expedient to make some provisions in order better to repress the sale of foreign lottery tickets, it is hereby enacted and ordained by his Excellency the Governor, with the advice and consent of the Council of Government, as follows:—

ART. 1. It is prohibited to sell or to distribute tickets in lotteries made abroad, or to collect subscriptions to such lotteries; and whoever shall transgress this provision shall be liable to the punishments established for contraventions.

2. Whoever shall, for foreign lotteries, receive stakes or subscriptions shall be liable to the same punishments.

3. Every keeper of any shop, included in the definition of “shop” contained in Article 122 of the Police Laws, in which any of the offences designated in the foregoing Articles shall have been committed, shall be liable to the penalty of the suspension of his licence for a time not less than fifteen days and not longer than three months.

4. The words “and whosoever shall, without permission, sell

tickets in any lotteries made beyond the limits of these islands," in No. 7 of Article 307 of the Criminal Laws, are cancelled.

Passed the Council of Government, March 15, 1893.

EMILIO DE PETRI, *Clerk to the Council*.

Assented to this 17th day of April, 1893.

(L.S.) H. A. SMYTH, *Governor*.

By command.

G. STRICKLAND, *Chief Secretary to Government*.

*ORDINANCE of the Government of Ceylon, providing for the
Registration of Trade-marks.**

[No. 14.]

[Assented to, December 22, 1888.]

(L.S.) ARTHUR GORDON.

WHEREAS it is expedient to provide for the registration of trade-marks in this island :

Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows :—

1. This Ordinance may be cited as "The Trade-marks Ordinance, 1888;" and it shall come into operation at such time as the Governor shall appoint by Proclamation to be published in the Government Gazette.

Preliminary.

2. In and for the purposes of this Ordinance, unless the context otherwise requires—

"Person" includes a body corporate.

"Colonial Secretary" includes any assistant to the Colonial Secretary to the extent to which he may be authorized by general or special order of the Governor to discharge the functions of the Colonial Secretary under this Ordinance.

"Prescribed" means prescribed by the Schedule to this Ordinance or by general rules under or within the meaning of this Ordinance.

"The Court" means the District Court of Colombo.

A "trade-mark" must consist of, or contain at least, one of the following essential particulars :—

(a.) A name of an individual or firm printed, impressed, stamped, branded, or woven in some particular and distinctive manner; or

* Amended by Ordinance No. 4 of 1890, page 159.

(b.) A written signature or copy of a written signature of the individual or firm applying for registration thereof as a trade-mark; or

(c.) A distinctive device, mark, stamp, brand, heading, label, ticket, or fancy word or words not in common use.

There may be added to any one or more of these particulars any letters, words, or figures, or combination of letters, words, or figures, or any of them.

Registration of Trade-marks.

3.—(1.) Any person claiming to be the proprietor of a trade-mark may by himself or his agent apply to the Colonial Secretary for an order for the registration thereof.

(2.) The application must be made in the prescribed form, and must be accompanied by not less than three representations of the trade-mark.

(3.) The applicant must state the particular goods or classes of goods in connection with which he desires the trade-mark to be registered.

(4.) The application must be left with, or sent by post to, the Colonial Secretary.

(5.) The date of the delivery or receipt of the application shall be indorsed thereon, and recorded in the Colonial Secretary's Office.

4.—(1.) Upon such application as aforesaid, the Colonial Secretary may, after such inquiry as he thinks fit, and subject to the provisions hereinafter contained, make an order authorizing the registration of the trade-mark.

(2.) When an order has been made under this section, the Colonial Secretary shall cause the trade-mark to be registered in a book to be kept by him for that purpose, and to be called the register of trade-marks.

(3.) The date of registration shall be recorded in the said register.

5. Where registration of a trade-mark shall not be completed within twelve months from the date of the application, by reason of default on the part of the applicant, the application shall be deemed to be abandoned.

6. A trade-mark must be registered for particular goods or classes of goods.

7. When a person claiming to be the proprietor of several trade-marks, which, while resembling each other in the material particulars thereof, yet differ in respect of (a) the statement of the goods for which they are respectively used or proposed to be used,

or (b) statements of numbers, or (c) statements of price, or (d) statements of quality, or (e) statements of names of places, seeks to register such trade-marks, they may be registered as a series in one registration. A series of trade-marks shall be assignable and transmissible only as a whole, but for all other purposes each of the trade-marks composing a series shall be deemed and treated as registered separately.

8. A trade-mark may be registered in any colour, and such registration shall, subject to the provisions of this Ordinance, confer on the registered owner the exclusive right to use the same in that or any other colour.

9. Every application for registration of a trade-mark under this Ordinance shall, as soon as may be after its receipt, be advertised by the Colonial Secretary in the Government Gazette and in one or more of the local newspapers.

10.—(1.) Any person may within two months of the advertisement of the application, give notice in duplicate to the Colonial Secretary of opposition to registration of the trade-mark, and the Colonial Secretary shall send one copy of such notice to the applicant.

(2.) Within two months after receipt of such notice, or such further time as the Colonial Secretary may allow, the applicant may send to the Colonial Secretary a counter-statement in duplicate of the grounds on which he relies for his application; and if he does not do so shall be deemed to have abandoned his application.

(3.) If the applicant sends such counter-statement, the Colonial Secretary shall furnish a copy thereof to the person who gave notice of opposition, and shall require him to give security in such manner and to such amount as the Colonial Secretary may require for such costs as may be awarded in respect of such opposition; and if such security is not given within fourteen days after such requirement was made or such further time as the Colonial Secretary may allow, the opposition shall be deemed to be withdrawn.

(4.) If the person who gave notice of opposition duly gives such security as aforesaid, the Colonial Secretary shall inform the applicant thereof in writing, and thereafter the case shall be deemed to stand for the determination of the Court.

11.—(1.) When a case stands for the determination of the Court under the provisions of the last preceding section, the Colonial Secretary shall require the applicant, within one month or such further time as the Colonial Secretary may allow, to make a written application to the Court for an order that, notwithstanding the opposition of which notice has been given, the registration of the trade-mark be proceeded with by the Colonial Secretary, or to take

such other proceedings as may be proper and necessary for the determination of the case by the Court.

(2.) The applicant shall thereupon make his application or take such other proceedings as aforesaid, within the period of one month above named, or such further time as the Colonial Secretary may allow, and shall also within the like period give notice thereof to the Colonial Secretary.

(3.) If the applicant shall fail to make such application or to take such other proceedings, of which failure the non-receipt by the Colonial Secretary of the said notice shall be sufficient proof, the applicant shall be deemed to have abandoned his application.

12. A trade-mark when registered shall be assigned and transmitted only in connection with the good-will of the business concerned in the particular goods or classes of goods for which it has been registered, and shall be determinable with that good-will.

13. Where each of several persons claims to be registered as proprietor of the same trade-mark, the Colonial Secretary may refuse to register any of them until their rights have been determined according to law; and the Colonial Secretary may require the claimants to submit their rights to the Court.

14. The manner in which the rights of such claimants may be submitted to the Court shall, unless the Court otherwise order, be by a special case, and such special case, which shall be subject to a stamp duty of 1 rupee, shall be filed and proceeded with in like manner as the Court or in such other manner as the Court may direct. The special case may be agreed to by the claimants, or, if they differ, may be settled by the Colonial Secretary on payment of the prescribed fee.

15.—(1.) Except where the Court has decided that two or more persons are entitled to be registered as proprietors of the same trade-mark, the Colonial Secretary shall not register in respect of the same goods or description of goods a trade-mark identical with one already on the register with respect to such goods or description of goods.

(2.) The Colonial Secretary shall not register with respect to the same goods or description of goods a trade-mark so nearly resembling a trade-mark already on the register with respect to such goods or description of goods as to be calculated to deceive.

16. It shall not be lawful to register as part of, or in combination with, a trade-mark any words the exclusive use of which would, by reason of their being calculated to deceive or otherwise, be deemed disentitled to protection in a Court of Justice, or any scandalous design.

17.—(1.) Nothing in this Ordinance shall be construed to prevent the Colonial Secretary entering on the register, in the

prescribed manner, and subject to the prescribed conditions, as an addition to any trade-mark—

(a.) In the case of an application for registration of a trade-mark used before the coming into operation of this Ordinance, any distinctive device, mark, stamp, brand, heading, label, ticket, letter, word, or figure, or combination of letters, words, or figures, though the same is common to the trade in the goods with respect to which the application is made ;

(b.) In the case of an application for registration of a trade-mark not used before the coming into operation of this Ordinance, any distinctive word or combination of words, though the same is common to the trade in the goods with respect to which the application is made.

(2.) The applicant for entry of any such common particular or particulars must, however, disclaim in his application any right to the exclusive use of the same ; and a copy of the disclaimer shall be entered on the register.

(3.) Any device, mark, stamp, brand, heading, label, ticket, letter, word, figure, or combination of letters, words, or figures which was or were, before the coming into operation of this Ordinance, publicly used by more than three persons on the same or a similar description of goods, shall, for the purposes of this section, be deemed common to the trade in such goods.

Effect of Registration.

18. Registration of a trade-mark shall be deemed to be equivalent to public use of the trade-mark.

19. The registration of a person as proprietor of a trade-mark shall be *prima facie* evidence of his right to the exclusive use of the trade-mark, and shall, after the expiration of five years from the date of the registration, be conclusive evidence of his right to the exclusive use of the trade-mark, subject to the provisions of this Ordinance.

20. A person shall not be entitled to institute any proceeding in a Civil Court to prevent or to recover damages for the infringement of a trade-mark, unless, in the case of a trade-mark capable of being registered under this Ordinance, it has been registered in pursuance of this Ordinance ; or, in the case of any other trade-mark in use before the coming into operation of this Ordinance, registration thereof, under this Ordinance, has been refused. The Colonial Secretary may, on request, and on payment of the prescribed fee, grant a certificate that such registration has been refused.

Register of Trade-marks.

21. There shall be kept at the Colonial Secretary's Office a book called the register of trade-marks, wherein shall be entered the names and addresses of proprietors of registered trade-marks, the notification of assignments, and of transmission of trade-marks, and such other matters as may be from time to time prescribed.

22.—(1.) At a time not being less than two months nor more than three months before the expiration of fourteen years from the date of the registration of a trade-mark, the Colonial Secretary shall send notice to the registered proprietor that the trade-mark will be removed from the register unless the proprietor pays to the Colonial Secretary before the expiration of such fourteen years (naming the date at which the same will expire) the prescribed fee; and if such fee be not previously paid, the Colonial Secretary shall, at the expiration of one month from the date of the giving of the first notice, send a second notice to the same effect.

(2.) If such fee be not paid before the expiration of such fourteen years, the Colonial Secretary may, after the end of three months from the expiration of such fourteen years, remove the mark from the register; and so from time to time at the expiration of every period of fourteen years.

(3.) If before the expiration of the said three months the registered proprietor pays the said fee together with the additional prescribed fee, the Colonial Secretary may, without removing such trade-mark from the register, accept the said fee as if it had been paid before the expiration of the said fourteen years.

(4.) Where after the said three months a trade-mark has been removed from the register for non-payment of the prescribed fee, the Colonial Secretary may, if satisfied that it is just so to do, restore such trade-mark to the register on payment of the prescribed additional fee.

(5.) Where a trade-mark has been removed from the register for non-payment of the fee, or otherwise, such trade-mark shall, nevertheless, for the purpose of any application for registration during the five years next after the date of such removal, be deemed to be a trade-mark which is already registered.

General.

23. There shall not be entered in the register kept under this Ordinance, or be receivable by the Colonial Secretary, any notice of any trust expressed, implied, or constructive.

24. The Colonial Secretary may refuse to register a trade-mark

of which the use would, in his opinion, be contrary to law or morality.

25. Where a person becomes entitled by assignment, transmission, or other operation of law to a registered trade-mark, the Colonial Secretary shall, on request, and on proof of title to his satisfaction, cause the name of such person to be entered as proprietor of the trade-mark in the register of trade-marks. The person for the time being entered in the register of trade-marks as proprietor of a trade-mark shall, subject to any rights appearing from such register to be vested in any other person, have power absolutely to assign, grant licences as to, or otherwise deal with, the same, and to give effectual receipts for any consideration for such assignment, licence, or dealing: Provided that any equities in respect of such trade-mark may be enforced in like manner as in respect of any other personal property.

26. The register kept under this Ordinance shall at all convenient times be open to the inspection of the public, subject to such regulations as may be prescribed; and certified copies, sealed with the seal of the Colonial Secretary's Office, of any entry in any such register shall be given to any person requiring the same, on payment of the prescribed fee.

27. Printed or written copies, or extracts purporting to be certified by the Colonial Secretary, and sealed with the seal of the Colonial Secretary's Office, of or from any document, register, and other book filed or kept under this Ordinance in the said Office, shall be admitted in evidence in all Courts in this Colony, and in all proceedings, without further proof or production of the originals.

28.—(1.) The Court may, on the application of any person aggrieved by the omission without sufficient cause of the name of any person from the register kept under this Ordinance, or by any entry made without sufficient cause in any such register, make such order for making, expunging, or varying the entry as the Court thinks fit; or the Court may refuse the application; and in either case may make such order with respect to the costs of the proceedings as the Court thinks fit.

(2.) The Court may in any proceeding under this section decide any question that it may be necessary or expedient to decide for the rectification of a register, and may direct an issue to be tried for the decision of any question of fact, and may award damages to the party aggrieved.

(3.) Any order of the Court rectifying a register shall direct that due notice of the rectification be given to the Colonial Secretary.

29. The Colonial Secretary may, on request in writing, accompanied by the prescribed fee—

(a.) Correct any clerical error in or in connection with an application for the registration of a trade-mark ; or

(b.) Correct any clerical error in the name, style, or address of the registered proprietor of a trade-mark ; or

(c.) Cancel the entry or part of the entry of a trade-mark on the register : Provided that the applicant accompanies his request by an affidavit made by himself, stating his name, address, and calling, and that he is the person whose name appears on the register as the proprietor of the said trade-mark.

30.—(1.) The registered proprietor of any registered trade-mark may apply to the Court for leave to add to or alter such mark in any particular, not being an essential particular within the meaning of this Ordinance ; and the Court may refuse or grant leave on such terms as it may think fit.

(2.) Notice of any intended application to the Court under this section shall be given to the Colonial Secretary by the applicant ; and the Colonial Secretary shall be entitled to be heard on the application.

(3.) If the Court grants leave, the Colonial Secretary shall, on proof thereof, and on payment of the prescribed fee, cause the register to be altered in conformity with the order of leave.

31. Every application made to the Court under section 11, 28, or 30 shall be subject to a stamp duty of 1 rupee, and all proceedings thereunder shall be conducted in such manner as the Court may direct.

32. The minimum stamp duties chargeable in the District Courts in civil proceedings under the provisions of the Ordinance for the time being in force relating to stamps shall, so far as the same may be applicable, and except as herein otherwise provided, be charged in all proceedings in the Court under this Ordinance. But in no case shall the Colonial Secretary be required to use any stamp or be charged with any stamp duty.

33. Every judgment or order by the District Court under this Ordinance shall be subject to an appeal to the Supreme Court, and such appeal shall be subject to the same rules which govern interlocutory appeals from District Courts ; and the minimum stamp duties chargeable in the Supreme Court under the provisions of the Ordinance for the time being in force relating to stamps shall, so far as the same may be applicable, be charged in all proceedings relating to or in connection with such appeal.

34. Where any discretionary power is by this Ordinance given to the Colonial Secretary, he shall not exercise that power adversely to the applicant for registration of a trade-mark without (if so required within the prescribed time by the applicant) giving the applicant an opportunity of being heard personally or by his agent.

35. The Colonial Secretary may, in any case of doubt or difficulty arising in the administration of any of the provisions of this Ordinance, apply to the Attorney-General or Solicitor-General for directions in the matter.

36. A certificate purporting to be under the hand of the Colonial Secretary as to any entry, matter, or thing which he is authorized by this Ordinance, or any general rules made thereunder, to make or do, shall be *prima facie* evidence of the entry having been made, and of the contents thereof, and of the matter or thing having been done or left undone.

37.—(1.) Any application, notice, or other document authorized or required to be left with or sent to the Colonial Secretary, or to any other person under this Ordinance, may be sent by a registered letter through the post; and if so sent shall be deemed to have been so left or given respectively at the time when the letter containing the same would be delivered in the ordinary course of post.

(2.) In proving such service or sending, it shall be sufficient to prove that the letter was properly addressed and registered at the post-office.

38. Whenever the last day fixed by this Ordinance, or by any rule for the time being in force, for leaving any document with or paying any fee to the Colonial Secretary, shall fall on a public holiday, it shall be lawful to leave such document or to pay such fee on the day next following such public holiday, or holidays, if two or more of them occur consecutively.

39. If any person is, by reason of infancy, lunacy, or other inability, incapable of making any affidavit or doing anything required or permitted by this Ordinance, or by any rules made under the authority of this Ordinance, then the guardian of such incapable person, or, if there be none, any person appointed by any Court possessing jurisdiction in respect of the property of incapable persons, upon the petition of any person on behalf of such incapable person, or of any other person interested in the making of such affidavit or doing such thing, may make such affidavit, or an affidavit as nearly corresponding thereto as circumstances permit, and do such thing in the name and on behalf of such incapable person; and all acts done by such substitute shall, for the purposes of this Ordinance, be as effectual as if done by the person for whom he is substituted.

40.—(1.) The Governor in Executive Council may from time to time make such general rules, prescribe such forms, and do such things as he thinks expedient, subject to the provisions of this Ordinance—

(a.) For regulating the practice of registration under this Ordinance;

(b.) For classifying goods for the purposes of trade-marks ;

(c.) For prescribing the fees payable in respect of applications and registrations and other matters under this Ordinance, and the mode of payment of the same ;

(d.) Generally, for regulating all things by this Ordinance placed under the direction or control of the Colonial Secretary.

(2.) Any rules made in pursuance of this section shall be published in the Government Gazette, and it shall be lawful for the Governor in Executive Council, by Proclamation to be published in the Government Gazette, to alter, amend, or revoke any such rules.

Protection of Trade-marks registered in Great Britain.

41.—(1.) Any person who has registered a trade-mark in Great Britain shall be entitled to registration of his trade-mark under this Ordinance in priority to other applicants ; and such registration shall have the same date as the date of the application for registration in Great Britain :

Provided that his application is made within four months from his applying for protection in Great Britain :

Provided that nothing in this section contained shall entitle the proprietor of the trade-mark to recover damages for infringements happening prior to the date of the actual registration of his trade-mark in this Colony.

(2.) The use in this Colony during the period aforesaid of the trade-mark shall not invalidate the registration of the trade-mark.

(3.) The application for the registration of a trade-mark under this section must be made in the same manner as an ordinary application under the Ordinance :

Provided that any trade-mark, the registration of which has been duly applied for in Great Britain, may be registered under this Ordinance.

Offences.

42.—(1.) If any person makes or causes to be made a false entry in the register kept under this Ordinance, or a writing falsely purporting to be a copy of an entry in any such register, or produces, or tenders, or causes to be produced or tendered in evidence, any such writing knowing the entry or writing to be false, he shall be guilty of an offence, and punished with simple or rigorous imprisonment for a term not exceeding seven years.

(2.) Any person who describes any trade-mark applied to any article sold by him as registered, which is not so, shall be guilty of an offence, and liable, on conviction, to a fine not exceeding 50 rupees.

A person shall be deemed, for the purposes of this section, to describe that a trade-mark is registered, if he sells the article with the word "registered" or any word or words expressing or implying that registration has been obtained for the article stamped, engraved, or impressed on, or otherwise applied to, the article.

(3.) Any person who, without the authority of Her Majesty, or any of the Royal Family, or of any Government Department, assumes or uses in connection with any trade, business, calling, or profession the Royal Arms or Arms so nearly resembling the same as to be calculated to deceive, in such a manner as to be calculated to lead other persons to believe that he is carrying on his trade, business, calling, or profession by or under such authority as aforesaid, shall be guilty of an offence, and liable, on conviction, to a fine not exceeding 100 rupees.

43. All offences under this Ordinance are hereby declared to be "non-cognizable" and "bailable," within the meaning of those terms as defined in section 3 of the Criminal Procedure Code, 1883.

Passed in Council the 21st day of December, 1888.

A. M. ASHMORE, *Acting Clerk to the Council*.

Assented to by his Excellency the Governor the 22nd day of December, 1888.

E. NOEL WALKER, *Colonial Secretary*.

SCHEDULE.

Form of Application for Registration of Trade-Mark.

(One representation to be fixed within this square, and two others on separate sheets of foolscap of same size.)

(Representations of a larger size may be folded, but must be mounted upon linen and affixed hereto.)

You are hereby requested to register the accompanying trade-mark [*in Class , iron in bars, sheets, and plates; in Class , steam engines and boilers; and in Class , warming apparatus*] in the name of* , who claims to be the proprietor thereof.

Registration fees inclosed, rupees .

(Signed) .

To the Hon. the Colonial Secretary,
Colonial Secretary's Office, Colombo.

NOTE.—State whether the trade-mark has or has not been in use before the coming into operation of this Ordinance.

* Here insert legibly the name, address, and business of the individual or firm.

*ORDINANCE of the Government of Ceylon, to amend “The Trade-marks Ordinance, 1888.”**

[No. 4.]

[Assented to, April 26, 1890.]

(L.S.) ARTHUR GORDON.

WHEREAS it is expedient to amend “The Trade - Marks Ordinance, 1888,” hereinafter referred to as the “Principal Ordinance”:

Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:—

1. For the definition of “a trade-mark” in section 2 of the Principal Ordinance, beginning with the words “a trade-mark must consist of,” and ending with the words “any of them,” shall be substituted the following:—

“(1.) A trade-mark must consist of or contain at least one of the following essential particulars:

“(a.) A name of an individual or firm printed, impressed, or woven in some particular and distinctive manner; or

“(b.) A written signature or copy of a written signature of the individual or firm applying for registration thereof as a trade-mark; or

“(c.) A distinctive device, mark, stamp, brand, heading, label, or ticket; or

“(d.) An invented word or invented words; or

“(e.) A word or words having no reference to the character or quality of the goods, and not being a geographical name.

“(2.) There may be added to any one or more of the essential

particulars mentioned in sub-section 1, any letters, words, or figures, or combination of letters, words, or figures, or any of them; but the applicant for registration of any such additional matter must state in his application the essential particulars of the trade-mark, and must disclaim in his application any right to the exclusive use of the added matter, and a copy of the statement and disclaimer shall be entered in the register.

“(3.) Provided as follows:—

“(a.) A person need not, under sub-section 2, disclaim his own name or the foreign equivalent thereof, or his place of business; but no entry of any such name shall affect the right of any owner of the same name to use that name or the foreign equivalent thereof.

“(b.) Any special and distinctive word or words, letter, figure, or combination of letters and figures, used as a trade-mark before the coming into operation of this Ordinance, may be registered as a trade-mark under this Ordinance.”

2. To section 3 of the Principal Ordinance the following sub-section shall be added:—

“(6.) When an applicant for the registration of a trade-mark is out of the island at the time of making the application, he shall give the Colonial Secretary an address for service in the island, and if he fails to do so, the application shall not be proceeded with until the address has been given.”

3. In section 5 of the Principal Ordinance, for the words “the application shall be deemed to be abandoned” shall be substituted the words “the Colonial Secretary shall give notice of the non-completion to the applicant or to his agent, and if, at the expiration of fourteen days from that notice, or of such further time as the Colonial Secretary may in special cases permit, the registration is not completed, the application shall be deemed to be abandoned.”

4. In section 8 of the Principal Ordinance, the words “or colours” shall be added after the word “colour” in each place where that word occurs.

5. In section 9 of the Principal Ordinance, after the words “local newspapers” shall be added the words “unless the Colonial Secretary refuse to entertain the application.”

6.—(1.) (a.) In sub-section 1 of section 10 of the Principal Ordinance, for the words “two months” shall be substituted the words “one month, or such further time, not exceeding three months, as the Colonial Secretary may allow.”

(b.) In sub-section 2 of the same section, for the words “two months” shall be substituted the words “one month.”

(2.) To the same section of the Principal Ordinance the following sub-sections shall be added:—

“(5.) If the applicant abandons his application after notice of opposition in pursuance of this section, he shall be liable to pay to the opponent such costs in respect of the opposition as the Colonial Secretary may determine to be reasonable.

“(6.) Where the opponent is out of the island, he shall give the Colonial Secretary an address for service in the island.”

7. In sub-section 2 of section 15 of the Principal Ordinance the following words shall be added at the beginning of the sub-section, namely, “except as aforesaid,” and for the words “so nearly resembling” shall be substituted the words “having such resemblance to.”

8. In section 16 of the Principal Ordinance the word “exclusive” shall be omitted.

9. For sub-section 2 of section 17 of the Principal Ordinance the following sub-section shall be substituted, namely:—

“(2.) The applicant for registration of any such addition must, however, state in his application the essential particulars of the trade-mark, and must disclaim in his application any right to the exclusive use of the added matter, and a copy of the statement and disclaimer shall be entered on the register.

“Provided that a person need not, under this section, disclaim his own name or the foreign equivalent thereof, or his place of business; but no entry of any such name shall affect the right of any owner of the same name to use that name or the foreign equivalent thereof.”

10. For section 18 of the Principal Ordinance the following section shall be substituted, namely:—

“Application for registration of a trade-mark shall be deemed to be equivalent to public use of the trade-mark, and the date of the application shall, for the purposes of this Ordinance, be deemed to be, and as from, the 22nd day of December, 1888, to have been the date of the registration.”

11. After section 20 of the Principal Ordinance the following section shall be added and numbered 20 (a), namely:—

“In an action for infringement of a registered trade-mark the Court or a Judge may certify that the right to the exclusive use of the trade-mark came in question, and if the Court so certifies, then in any subsequent action for infringement the plaintiff in that action, on obtaining a final order or judgment in his favour, shall have his full costs, charges, and expenses, as between proctor and client, unless the Court trying the subsequent action certifies that he ought not to have the same.”

12.—(1.) In sub-section 5 of section 22 of the Principal Ordinance, for the words “the five years” shall be substituted the words “one year.”

(2.) To the same sub-section the following words shall be added, namely: "unless it is shown to the satisfaction of the Colonial Secretary that the non-payment of the fee arises from the death or bankruptcy of the registered proprietor, or from his having ceased to carry on business, and that no person claiming under that proprietor or under his bankruptcy is using the trade-mark."

13. In section 25 of the Principal Ordinance, after the words "subject to," shall be added the words "the provisions of this Ordinance and to."

14. In section 26 of the Principal Ordinance, after the words "subject to," shall be added the words "the provisions of this Ordinance and to."

15. To section 29 of the Principal Ordinance the following sub-section shall be added, namely:—

"(d.) Permit an applicant for registration of a trade-mark to amend his application by omitting any particular goods or classes of goods in connection with which he has desired the trade-mark to be registered."

16. After section 39 of the Principal Ordinance the following section shall be added and numbered 39 (a), namely:—

"There shall be paid, in respect of applications and registration, and other matters under this Ordinance, such fees as may from time to time be prescribed by the Governor in Executive Council."

17. The Principal Ordinance shall, as from the commencement of this Ordinance, take effect subject to the additions, omissions, and substitutions required by this Ordinance; but nothing in this Ordinance shall affect the validity of any act done, right acquired, or liability incurred before the commencement of this Ordinance.

18. This Ordinance shall commence and come into operation on the 1st day of July, 1890.

19. This Ordinance may be cited as "The Trade-Marks Ordinance, 1890," and this Ordinance and the Principal Ordinance may be cited collectively as "The Trade-Marks Ordinances, 1888 and 1890."

Passed in Council, the 16th day of April, 1890.

A. R. DAWSON, *Acting Clerk to the Council*.

Assented to by his Excellency the Governor, the 26th day of April, 1890.

E. NOEL WALKER, *Colonial Secretary*.

*ORDINANCE of the Government of Ceylon, to provide for the
Naturalization of Aliens.*

[No. 21.]

[Assented to, December 5, 1890.]

(L.S.) A. E. HAVELOCK.

WHEREAS by "The Naturalization Act, 1870,"* being an Imperial Statute passed in the thirty-third year of the reign of Her present Majesty, it is enacted that all Laws, Statutes, and Ordinances which may be duly made by the Legislature of any British possession for imparting to any person the privileges or any of the privileges of naturalization, to be enjoyed by such person within the limits of such possession, shall, within such limits, have the authority of law, but shall be subject to be confirmed or disallowed by Her Majesty in the same manner and subject to the same rules in and subject to which Her Majesty has power to confirm or disallow any other Laws, Statutes, or Ordinances in that possession;

And whereas it is expedient to provide for the naturalization of aliens resident in this Colony:

Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:—

1.—(1.) Any person whilst actually residing in the Colony may apply to the Governor in Executive Council that the privileges of naturalization may be conferred on him.

(2.) Such application shall state the applicant's age, place of birth, place of residence, profession, trade, or occupation, the length of time during which he has resided within the Colony, that he is permanently settled in the Colony, or is residing within the same with intent to settle therein.

(3.) Such application shall be in writing, and signed by the applicant, and shall be accompanied by an affidavit sworn by him verifying the truth of the statements contained in the application.

2. The Governor in Executive Council may require such further information and evidence, by affidavit or otherwise, as to him may seem proper, in addition to the affidavit accompanying the application.

3. The Governor in Executive Council, if satisfied with the evidence adduced, shall take the case of the applicant into consideration, and may, with or without assigning any reason, grant or refuse such application, as he thinks most conducive to the public good, and no appeal shall lie from his decision.

4.—(1.) If such application is granted, the Colonial Secretary shall, by notice in writing under his hand, require the applicant,

* Vol. LX, page 267.

within thirty days from the date of such notice, to take the oath of allegiance substantially in the form contained in the Schedule hereto.

(2.) Such oath may be administered by any Police Magistrate or Justice of the Peace within the limits of his jurisdiction, and the person who shall administer the oath shall grant to the applicant a certificate in writing of his having taken and subscribed such oath, and of the date of his taking and subscribing the same, and shall forward to the Colonial Secretary the oath so taken and subscribed, together with a duplicate of such certificate, which oath and duplicate certificate shall be filed and kept, with the application and the evidence relating thereto, in the Colonial Secretary's office.

5.—(1.) It shall be lawful for the Governor, upon the production of such certificate as aforesaid, and upon being satisfied that the applicant has duly taken the prescribed oath within the period specified in section 4, to issue Letters Patent under the seal of the Colony granting to the applicant all the rights and privileges of a British subject, and thereupon the applicant shall, within the limits of the Colony, be entitled to all political and other rights, powers, and privileges, and be subject to all obligations to which a natural-born British subject is entitled or subject.

(2.) Such Letters Patent shall bear a stamp of 100 rupees, to be supplied by the applicant, and shall be enrolled for safe custody in the Supreme Court of the Colony.

6. If any material statement contained in any application made under section 1, or any material portion of the evidence adduced in support of such application, shall be false, the Governor in Executive Council may, by an order in writing, cancel the Letters Patent issued upon such application, and from and after the date of such order all the rights, powers, and privileges derived through such Letters Patent shall altogether cease.

7. All Letters Patent issued under this Ordinance, and all orders cancelling the same, shall be published in the "Government Gazette."

8. This Ordinance may be cited as "The Naturalization Ordinance, 1890."

Passed in Council the 26th day of November, 1890.

H. L. CRAWFORD, *Acting Clerk to the Council*.

Assented to by his Excellency the Governor the 5th day of December, 1890.

E. NOEL WALKER, *Colonial Secretary*.

SCHEDULE.

I, _____, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, her heirs and successors, according to law. So help me God.

ORDINANCE of the Government of Ceylon, to consolidate and amend the Law relating to the granting of Exclusive Privileges to Inventors.

[No. 16.]

[Assented to, November 21, 1892.]

(L.S.) A. E. HAVELOCK.

WHEREAS it is expedient to amend the Law relating to the granting of exclusive privileges to inventors:

Be it therefore enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, as follows:—

1. This Ordinance may be cited as “The Inventions Ordinance, 1892,” and shall come into force on the 1st day of July, 1893.

2.—(1.) The Ordinances described in the first Schedule are hereby repealed to the extent specified in the third column thereof.

(2.) But this repeal of Ordinances shall not affect any exclusive privilege acquired, or any conditions or restrictions imposed with respect to any privilege, or any right or liability accrued or incurred under any of those Ordinances before the commencement of this Ordinance, or any relief in respect of any such privilege, right, or liability.

(3.) Any Ordinance or document referring to any Ordinance hereby repealed shall be construed to refer to this Ordinance or the corresponding portion thereof.

3. In this Ordinance, unless there is something repugnant in the subject or context—

(1.) “Invention” includes an improvement;

(2.) “Inventor” does not include the importer into Ceylon of a new invention unless he is the actual inventor;

(3.) “Petitioner” means a person who has petitioned, under this Ordinance, for leave to file a specification of an invention, whether he has filed the specification or not;

(4.) “Assign” includes a grantee of the exclusive privilege of making, selling, or using an invention, or of authorizing others so to do, during the term for which the privilege is to continue or may be extended, or for any shorter term;

(5.) "Inventor," "actual inventor," and "petitioner" include the executors, administrators, or assigns of an inventor, actual inventor, and petitioner, as the case may be ;

(6.) "Manufacture" includes any art, process, or manner of producing, preparing, or making an article, and also any article prepared or produced by manufacture ;

(7.) "Write" includes print, lithograph, photograph, engrave, and every other mode in which words or figures can be expressed on paper or on any substance ;

(8.) "Colonial Secretary" means any person acting as and for the Colonial Secretary, and includes any assistant to the Colonial Secretary to the extent to which he may be authorized by general or special order of the Governor to discharge the functions of the Colonial Secretary under this Ordinance.

4.—(1.) The inventor of a new manufacture, or two or more persons, some or one of whom only are or is the true and first inventors or inventor of a new manufacture, may petition the Governor for leave to file a specification thereof.

(2.) Any person, whether a British subject or not, may petition for such leave.

(3.) The petition must be in writing, signed by the petitioner or petitioners, or, in case the petitioner or petitioners shall be absent from Ceylon, by an agent authorized thereto on his or their behalf, and in the Form (A) in the second Schedule, or in such other form as may be from time to time prescribed, if the inventor or inventors has or have not obtained a patent in the United Kingdom, and in the Form (B) in the said Schedule, or in such other form as may be from time to time prescribed, if he or they has or have obtained a patent in the United Kingdom.

(4.) The petition must contain a declaration to the effect that the petitioner is in possession of an invention whereof he, or in the case of a joint petition, one or more of the petitioners, claims or claim to be the true and first inventor or inventors, and for which he or they desires or desire to obtain leave to file a specification; and it must state the name, occupation, and address of the petitioner or petitioners, and, where a patent has been obtained in the United Kingdom, the date of the patent and the date of the actual sealing thereof, and must describe with reasonable precision and detail the nature of the invention and of the particular novelty whereof it consists, and be supplemented by such further particulars relating to the invention, and by such drawings or photographs illustrative thereof, as the Governor in Executive Council may see fit to require from the petitioner or petitioners.

(5.) If in any case it appears to the Governor in Executive Council that a petition ought to be further supplemented by a

model of anything alleged to constitute an invention, he may require the petitioner or petitioners to furnish such a model, neatly and substantially made of durable material, and of dimensions not exceeding those, if any, specified in the requisition therefor.

5.—(1.) Upon a petition under the last foregoing section, the Governor in Executive Council may, after such inquiry as he thinks fit, make an order authorizing the petitioner or petitioners to file a specification of the invention.

(2.) Before making an order under sub-section (1), the Governor in Executive Council shall direct that the petition be referred for inquiry and report to any person whom he thinks fit.

(3.) Before such petition is so referred, the petitioner or petitioners shall deposit with the Colonial Secretary, within such time as the Governor in Executive Council may by rule or otherwise prescribe, such sum to defray the fee to be paid to the referee as the Governor in Executive Council may determine.

(4.) If the sum is not deposited within the time prescribed, the petition may be rejected.

(5.) If the person to whom the petition is referred reports that the nature of the invention and of the particular novelty whereof it consists is not sufficiently described, or that it has not been supplemented by such particulars relating to the invention, or by such drawings or photographs as the Governor in Executive Council may have required, the Governor in Executive Council may require that the petition may be amended or further supplemented before the petition is proceeded with.

6.—(1.) If two or more petitions are made on the same day for leave to file specifications of inventions which appear to the Governor in Executive Council to be identical, or so similar as to be practically identical, the Governor in Executive Council may in his discretion authorize both or all the petitioners, subject to the other provisions of this Ordinance, to file specifications of their respective inventions.

(2.) If they petition on different days for leave to file specifications of such inventions as aforesaid, the petitioner or petitioners who applied on the first of the different days shall be deemed to have a preferential claim to an order authorizing the filing of his or their specifications.

7.—(1.) If within six months from the date of an order under section 5, sub-section (1), or within such further time, not exceeding three months, as the Governor in Executive Council in his discretion may, on cause shown to his satisfaction, and on payment of the fee prescribed in that behalf in the fourth Schedule, see fit to allow, the petitioner or petitioners causes or cause a specification of his or their invention to be filed in manner by this Ordinance required, and the

fee prescribed in the fourth Schedule in respect of the filing of the specification to be paid, the petitioner or petitioners shall, subject to the other provisions of this Ordinance, be entitled to a grant to be issued by the Governor under the public seal of the Colony, in the form set forth in the third Schedule, or in such other form as may be from time to time prescribed, of the exclusive privilege of making, selling, and using the invention in Ceylon, and of authorizing others so to do, for a term of fourteen years from the date of the delivery to, or receipt by, the Colonial Secretary of the petition.

(2.) But an exclusive privilege in respect of an invention of a new manufacture shall, notwithstanding anything in sub-section (1), cease if the inventor or inventors fails or fail to pay, within the time limited in that behalf by the fourth Schedule, any fee prescribed in that Schedule in respect of the continuance of the privilege.

(3.) If, nevertheless, in any case, by accident, mistake, or inadvertence, the inventor or inventors fails or fail to pay any such fee within the time so limited, he or they may apply to the Governor in Executive Council for an enlargement of the time for making the payment.

(4.) Thereupon the Governor in Executive Council may enlarge the time accordingly on payment of the fee prescribed in that behalf in the fourth Schedule, and subject to the following conditions, namely:—

(a.) The time for making a payment shall not in any case be enlarged for more than three months; and

(b.) If any action is instituted in respect of an infringement of the exclusive privilege committed after a failure to make a payment within the time limited for the making thereof, and before the enlargement of that time, the Court disposing of the action may, if it thinks fit, refuse to award or give any damages in respect of the infringement.

8.—(1.) A specification filed under this Ordinance must be in writing, signed by the petitioner or petitioners, must commence with the title, and must set forth the precise invention in respect of which the petitioner or petitioners claims or claim to become entitled to an exclusive privilege.

(2.) If the specification is of an invention which is an improvement only, it must by explicit language distinguish between what is old and what is claimed to be new.

(3.) Every specification must explain the principle of the invention set forth therein, and the best and latest mode in which the petitioner or petitioners has or have contemplated applying that principle, and must describe the manner of making and using the invention in such full, clear, concise, and exact terms as to enable

any person of ordinary skill in the art or science to which the invention appertains, or with which it is most closely connected, to make or use the same.

(4.) Every specification must end with a distinct statement of the invention claimed.

9. Every petition for leave to file a specification, and every specification filed under this Ordinance, must be left with, or sent by post to, the Colonial Secretary, and the date of the delivery or receipt thereof shall be indorsed thereon, and recorded in his office.

10.—(1.) A book, to be called the Register of Inventions, shall be kept in the office of the Colonial Secretary, wherein shall be entered and recorded every petition for leave to file a specification, every order made on such petition, every specification filed in pursuance thereof, and every subsequent proceeding relating to the invention described therein, except the report of the referee.

(2.) Petitions for leave to file a specification shall be numbered consecutively in the order in which they are delivered or received, and be dated as of the day of their delivery or receipt, and shall be entered in the register of inventions in the order of their respective numbers.

(3.) A reference shall be made in that register, in the margin of the entry of each petition, to every order on or in respect of the petition, to the specification, if any, filed in pursuance thereof, and to every subsequent proceeding relating to the invention which forms the subject of the petition.

11.—(1.) Another book, to be called the Address Book, shall be kept in the office of the Colonial Secretary, wherein any person or persons filing a specification under this Ordinance, or any person or persons in whom an exclusive privilege acquired under this Ordinance, or any share or interest therein, may become vested, may from time to time cause to be stated some place in the Colony where notice of any rule or proceeding relative to the exclusive privilege may be served on him or them.

(2.) A reference to each entry in the Address Book shall be made in the Register of Inventions in the margin of the entry in that register of the petition for leave to file the specification.

12.—(1.) Every entry in the Register of Inventions or Address Book, and every document entered and recorded in the register, shall, for the purposes of the law of evidence for the time being in force, be deemed to be a public document, and shall be open to the inspection of any person at all reasonable times in the office of the Colonial Secretary: Provided that the report of the referee shall not in any case be published or open to public inspection, and shall not be liable to production or inspection in any legal proceeding,

unless the Court having power to order discovery in such legal proceeding shall certify that such production or inspection is desirable in the interests of justice and ought to be allowed.

(2.) The books kept under section 13 and section 32 of "The Inventions Ordinance, 1859," shall be deemed to be parts of the Register of Inventions and Address Book respectively.

13.—(1.) The petitioner or petitioners to whom an exclusive privilege has been granted under section 7 of this Ordinance may, at any time not more than one year and not less than six months before the time limited for the expiration of an exclusive privilege under the said section, petition the Governor in Executive Council for an extension of the privilege for a further term.

(2.) When a petition is made under sub-section (1), the Governor in Executive Council may, if he thinks fit, refer it to the District Court of Colombo for report.

(3.) Such Court shall, in making its report, have regard to the nature and merits of the invention in relation to the public, to the profits made thereby, and to all the circumstances of the case.

(4.) The procedure on the reference shall be such as the Court thinks fit, and may include the issuing of citations calling upon persons claiming to have any interest in the reference to appear before the Court on the day in which the reference is to be considered, or on any day to which the consideration thereof may be adjourned, and make with respect thereto any representations which they may see fit in relation to any of the matters to which the Court is required by the last foregoing sub-section to have regard in making its report.

(5.) If the Governor in Executive Council is of opinion, or, where a reference under sub-section (2), if the Court reports, that the petitioner or petitioners has or have been inadequately remunerated by his or their exclusive privilege, the Governor in Executive Council may, on payment of the fee prescribed in that behalf in the fourth Schedule, make an order extending the term of the privilege for a further term not exceeding seven, or, in exceptional cases, fourteen, years from the expiration of the first term of fourteen years.

(6.) But an exclusive privilege of which the term has been extended under the last foregoing sub-section shall, notwithstanding anything in that sub-section, cease if the petitioner or petitioners fails or fail to pay, before the expiration of each year of such extended term, the fee prescribed in the Schedule aforesaid in respect of the continuance of the privilege.

14. An order under section 5, sub-section (1), authorizing the filing of a specification, or under section 13, sub-section (5),

extending the term of an exclusive privilege, may be made subject to such conditions as the Governor in Executive Council thinks expedient.

15.—(1.) An exclusive privilege under this Ordinance shall have to all intents the like effect as against Her Majesty the Queen, her heirs and successors, as it has against a subject.

(2.) But the officers or authorities administering any department of the service of Her Majesty may, by themselves, their agents, contractors, or others, at any time after the delivery of the receipt of the petition for leave to file the specification of an invention, use the invention for the services of the Government on terms to be before or after the use thereof agreed on, with the approval of the Governor in Executive Council, between those officers or authorities and the inventor or inventors, or, in default of such agreement, on such terms as may be settled by the Governor in Executive Council.

16.—(1.) If, after the filing of the specification, the petitioner or petitioners has or have reason to believe that, through mistake or inadvertence, he or they has or have erroneously made any misstatement in his or their petition or specification, or included therein something which, at the date of the delivery or receipt of the petition, was not new, or whereof he or some or one of them was not the inventor, or that the specification is in any particular defective or insufficient, he or they may petition the Governor in Executive Council for leave to file a memorandum pointing out the misstatement, or disclaiming any part of the alleged invention, or for leave to file an amended specification, as the case may be.

(2.) The petition must be in writing, signed by the petitioner or petitioners, and must state how the error, defect, or insufficiency occurred, and that it was not fraudulently intended.

(3.) Upon the petition the Governor in Executive Council may make an order allowing the memorandum or amended specification to be filed.

(4.) No amendment shall be allowed that would make the specification, as amended, claim an invention substantially larger than, or substantially different from, the invention claimed by the specification as it stood before amendment.

(5.) The provisions of section 5 with respect to petitions, and of section 8 with respect to specifications, shall apply, so far as they can be made applicable, to petitions and to amended specifications respectively made and filed under this section.

17. An amended specification filed under the last foregoing section shall, except as to any action or proceeding relating to the exclusive privilege which may be pending at the time of the filing of the amended specification, have the same effect as if it had been

the specification first filed : Provided that nothing in an amended specification shall be construed to extend or enlarge an exclusive privilege before acquired.

18. A person shall not be entitled to an exclusive privilege under this Ordinance—

(a.) If the invention is of no utility ; or

(b.) If the invention, at the date of the delivery or receipt of the petition for leave to file the specification thereof, was not a new invention within the meaning of this Ordinance ; or

(c.) If the petitioner or some one or more of the petitioners is or are not the inventor or inventors thereof ; or

(d.) If the original or any amended specification does not fulfil the requirements of this Ordinance ; or

(e.) If the original or any subsequent petition relating to the invention, or the original or any amended specification, contains a wilful or fraudulent misstatement ; or

(f.) If the petition for leave to file the specification of the invention was made under this Ordinance after the expiration of one year from the date of the acquisition of an exclusive privilege in respect of the invention in any place beyond the limits of the Colony and the United Kingdom.

19. An invention shall be deemed a new invention within the meaning of this Ordinance if it has not, before the date of the delivery or receipt of the petition for leave to file the specification thereof, been publicly used in any part of the Colony or of the United Kingdom, or been made publicly known in any part of the Colony or of the United Kingdom by means of a written publication.

20. The public use or knowledge of an invention before the date of the delivery or receipt of the petition for leave to file a specification thereof shall not be deemed a public use or knowledge within the meaning of this Ordinance if the knowledge has been obtained surreptitiously or in fraud of the inventor or inventors, or has been communicated to the public in fraud of the inventor or inventors, or in breach of confidence : Provided that the inventor or inventors has or have not acquiesced in the public use of his or their invention, and that, within six months of that use, he or they petitions or petition for leave to file a specification.

21. Use of an invention in public by the inventor or inventors thereof, or by his or their servant or agent, or by any other person by his or their licence in writing, for a period not exceeding one year immediately preceding the date of the delivery or receipt of his or their petition for leave to file a specification thereof, or knowledge of the invention resulting from such use thereof in public, shall not be deemed a public use or knowledge within the meaning of this Ordinance.

22. If the inventor or inventors who has or have obtained a patent for his or their invention in the United Kingdom causes or cause a petition for leave to file a specification of the invention under this Ordinance to be delivered or received by the Colonial Secretary within twelve months from the date of actual sealing of the patent, the invention shall be deemed a new invention within the meaning of this Ordinance, if it was not publicly used or known in the Colony at or before the date of the application for the patent, notwithstanding that it may have been publicly used or known in the Colony or in some part of the United Kingdom before the date of the delivery or receipt of the petition under this Ordinance for leave to file the specification.

23. If the inventor or inventors petitions or petition for leave to file a specification under this Ordinance while his or their application for a patent is pending in the United Kingdom, and the interval between the date of his or their application for the patent and the date of the delivery or receipt of his or their petition under this Ordinance does not exceed twelve months, the invention shall not be deemed to have been publicly used or made publicly known within the meaning of this Ordinance by reason only of the invention having been used, or a description thereof having been published, in the Colony or in any part of the United Kingdom during the interval.

24. If an inventor, being the exhibitor of his invention at an industrial or international exhibition, certified as such by the Governor, causes a petition for leave to file a specification of the invention to be delivered to, or received by, the Colonial Secretary within six months from the date of the admission of the invention into that exhibition, the invention shall not be deemed to have been publicly used, or made publicly known, within the meaning of this Ordinance, by reason only of the invention having at any time after its admission into the exhibition been publicly used or made publicly known.

25.—(1.) An exclusive privilege acquired under this Ordinance shall cease if the Governor in Council declares the privilege, or the mode in which it is executed, to be mischievous to the State, or generally prejudicial to the public.

(2.) It shall also cease if a breach of any condition on which the petitioner or petitioners was or were authorized to file a specification, or on which the term of the exclusive privilege was extended, is, on an application under this Ordinance to the District Court of Colombo, proved to the satisfaction of that Court, and if the Governor in Executive Council thereupon declares the privilege to have ceased.

26.—(1.) An exclusive privilege acquired under this Ordinance in respect of an invention for which a patent has been obtained in

the United Kingdom shall cease on the revocation or expiration of the patent.

(2.) Such a privilege in respect of an invention for which a patent has not been obtained in the United Kingdom shall cease on the revocation or expiration of any patent or exclusive privilege which has been obtained or acquired for or in respect of the invention in any other country.

27.—(1.) Any person or persons may institute an action in the District Court of Colombo against any person who, during the continuance of an exclusive privilege acquired by him or them under the Ordinance in respect of an invention, makes, sells, or uses the invention without his or their licence, or counterfeits or imitates it.

(2.) The action shall not be defended upon the ground of any defect or insufficiency of the specification of the invention, or upon the ground that the original or any subsequent petition relating to the invention, or the original or any amended specification contains a wilful or fraudulent misstatement, or upon the ground that the invention is of no utility.

(3.) Nor shall it be defended upon the ground that the plaintiff or plaintiffs was or were not the inventor or inventors, unless the defendant or defendants shows or show that he or they is or are the actual inventor or inventors, or has or have obtained from the actual inventor or inventors a right to make, sell, or use the invention, or to counterfeit or imitate it, as the case may be.

(4.) Nor shall it be defended upon the ground that the invention was not new, unless the defendant or defendants, or some person through whom he or they claims or claim, has or have, before the date of the delivery of the petition for leave to file the specification, publicly or actually used in the Colony or any part of the United Kingdom the invention, or that part of it with respect to which the exclusive privilege is alleged to have been infringed.

28. Any person or persons may apply to the District Court of Colombo for a rule to show cause why the Court should not declare that an exclusive privilege in respect of an invention to be specified in the rule has not been acquired under the Ordinance by reason of all or any of the objections following (to be specified in the rule), that is to say :—

(a.) That the invention is of no utility; or

(b.) That the invention was not, at the date of the delivery or receipt of the petition for leave to file the specification, a new invention within the meaning of this Ordinance; or

(c.) That the petitioner was not, or none of the petitioners was, the true inventor thereof; or

(d.) That the original or any amended specification does not fulfil the requirements of this Ordinance; or

(e.) That the petitioner or petitioners has or have knowingly or fraudulently included in the petition for leave to file the specification, or in the original or any amended specification, as part of his or their invention, something which was not new, or whereof he or they, or some one or more of them, was or were not the inventor or inventors ; or

(f.) That the original or any subsequent petition relating to the invention, or the original or any amended specification, contains a wilful or fraudulent misstatement ; or

(g.) That some part of the invention, or the manner in which that part is to be made and used, as described in the original or any amended specification, is not thereby sufficiently described, and that this insufficiency was fraudulent and is injurious to the public.

29. Any person or persons may apply to the District Court of Colombo for a rule to show cause why the Court should not declare that an exclusive privilege in respect of any part of an invention to be specified in the rule has not been acquired under this Ordinance, by reason of all or any of the objections following (to be specified in the rule), that is to say :—

(a.) That that part of the invention is wholly distinct from the other parts thereof, and is of no utility ; or

(b.) That that part of the invention was not, at date of the delivery or receipt of the petition for leave to file the specification, a new invention within the meaning of this Ordinance ; or

(c.) That the petitioner was not, or none of the petitioners was, the true inventor or inventors of that part of the invention ; or

(d.) That that part of the invention, or the manner in which it is to be made and used, is not sufficiently described in the original or any amended specification, and that this insufficiency is injurious to the public.

30. The said District Court may in this behalf require a person applying for a rule under either of the two last foregoing sections to give security for the payment of all costs incurred, or likely to be incurred, by any person or persons appearing to show cause against the rule.

31.—(1.) Any person authorized by the Governor in Executive Council in this behalf may apply to the District Court of Colombo for a rule to show cause why the question of the breach of any condition on which leave to file a specification has been granted, or any other question of fact on which the cessation of an exclusive privilege under section 25 may, in the judgment of the Governor in Executive Council, depend, should not be tried in the form of an issue directed by the Court.

(2.) If the rule is made absolute, the Court, unless the breach or other matter of fact is admitted, may direct the issue to be tried,

and certify the result of the trial to the Governor in Executive Council.

32.—(1.) Notice of any rule obtained or proceeding taken under section 28, section 29, or section 31, shall be served on all persons appearing from the Address Book to be proprietors of the exclusive privilege, or to have shares or interests therein; and it shall not be necessary to serve the notice on any other person.

(2.) The notice shall be deemed to be sufficiently served if a copy thereof is left at the place for the time being stated in the Address Book, by delivering the copy to any person resident at or in charge of the place, or, if there is no person resident at or in charge of the place, or if the place is not within the local limits of the jurisdiction of the Court, by causing the notice to be sent to the place by post by a registered letter directed to the person to whom the notice is addressed.

33.—(1.) If it appears to the District Court of Colombo, at the hearing of an application under section 28 or section 29, that, by reason of any of the objections specified in the rule, the exclusive privilege in the invention or in any part thereof has not been acquired, the Court shall make an order accordingly, and thereupon the petitioner or petitioners shall, so long as the order continues in force, cease to be entitled to the exclusive privilege.

(2.) If it appears to the District Court of Colombo, at the hearing of any such application as last aforesaid, that the petitioner or petitioners has or have, in the description of his or their invention in the petition for leave to file a specification thereof, or in the original or any amended specification, erroneously included something which, at the date of the delivery or receipt of the petition for leave to file the specification, was not new, or whereof he or they was or were not the inventor or inventors, or that the specification is in any particular defective or insufficient, but that the error, defect, or insufficiency was not fraudulently intended, the Court may adjudge the exclusive privilege to have been acquired and to be valid, save as to the part thereof affected by the error, defect, or insufficiency; or

(3.) If it appears to the District Court of Colombo that the error, defect, or insufficiency can be amended without injury to the public, the Court may adjudge the exclusive privilege in respect of the whole of the invention to be valid, and may, upon such terms as it thinks reasonable, order the specification to be amended in any particular in which it is erroneous, defective, or insufficient; and thereupon the petitioner or petitioners shall, within a time to be limited by the Court for the purpose, file in the office of the Colonial Secretary a specification amended according to the order.

(4.) The provisions of section 17 with respect to the effect of such specifications shall apply, so far as they can be made applicable, to an amended specification filed under this section.

(5.) An exclusive privilege in respect of an invention shall not be defeated upon the ground that the petition for leave to file the specification of the invention contains a misstatement, unless the misstatement was wilful or fraudulent.

34.—(1.) In an action for the infringement of an exclusive privilege acquired under this Ordinance, the plaintiff shall deliver with his plaint particulars of the breaches complained of in the action, and the defendant shall deliver a written statement of the particulars of the grounds, if any, upon which he means to contend that the plaintiff is not entitled to an exclusive privilege in respect of the invention.

(2.) In like manner, upon an application to the District Court of Colombo under section 28, section 29, or section 31, the person making the application shall deliver particulars of the objections or grounds on which he means to rely.

(3.) At the hearing of any such action or application, or at the trial of any issue arising out of any such application, evidence shall not be allowed to be given in proof of any breach of the exclusive privilege, or of any ground impeaching the validity of that privilege, or of any objection or ground affecting such a privilege, unless such breach or other matter as aforesaid has been stated in the particulars delivered under this section.

(4.) If it is alleged that the invention was publicly used or known before the date of the delivery or receipt of the petition for leave to file the specification thereof, the places where and the manner in which the invention was so publicly used or known shall be stated in the particulars.

(5.) Notwithstanding anything in the foregoing portion of this section, the Court in which the action or application is pending, or an issue arising out of the application is being tried, may allow the plaintiff or defendant respectively to amend the particulars delivered under this section upon such terms as it thinks fit.

35. If, in an action instituted in the District Court at any time within fourteen years from the date of the filing of a specification of an invention under this Ordinance, the actual inventor proves to the satisfaction of the Court that the petitioner or petitioners was or were not the actual inventor or inventors, and that at the time of the petition for leave to file the specification the petitioner or petitioners knew or had reason to believe that the knowledge of the invention was obtained by himself or themselves or by some other person surreptitiously or in fraud of the actual inventor, or by means of a communication made in confidence by the actual

inventor to him or them, or to any person through whom he or they derived the knowledge, the Court may make a decree declaring an exclusive privilege in respect of the invention to be vested, subject to the other provisions of this Ordinance, in the actual inventor for a term of fourteen years from the date on which the petition was delivered to, or received by, the Colonial Secretary, and requiring the petitioner or petitioners to account for and pay over to the actual inventor the profits derived by him or them from the invention, or so much of those profits as the Court, having regard to the degree of diligence exerted by the actual inventor in proceeding under this section, and to all the other circumstances of the case, may see fit to require the petitioner or petitioners to pay.

36. A Court making a decree in an action under section 27 or section 35, or an order on an application under section 28, section 29, or section 31, shall send a copy of the decree or order, as the case may be, to the Colonial Secretary, who shall cause an entry thereof and reference thereto to be made in the Register of Inventions, and against any entry in the Address Book affected thereby.

37. In the following cases, namely :—

(a.) When an exclusive privilege acquired under this Ordinance has ceased under section 7 or section 13, by reason of a fee in respect of the continuance of the privilege not having been paid within the time limited by the fourth Schedule for the payment thereof, and the period, if any, within which an order might have been made for enlarging the time for the making of the payment has expired ;

(b.) When an exclusive privilege acquired under this Ordinance has been declared by the Governor in Executive Council under section 25 to have ceased ;

(c.) When an exclusive privilege acquired under this Ordinance has ceased under section 26 by reason of the revocation or expiration of a patent or exclusive privilege ;

(d.) When the whole or any part of an exclusive privilege acquired under this Ordinance has ceased under section 33 in consequence of an order under that section ;

(e.) When an exclusive privilege has been declared by a decree to have vested in an actual inventor under section 35 ;

(f.) When an exclusive privilege acquired under this Ordinance has ceased by reason of the expiration of the term for which it was acquired ;

The Colonial Secretary shall cause an entry with respect to the cessation or vesting of the exclusive privilege to be made in the Register of Inventions, and a reference to that entry to be made in the margin of the entry in that register of the petition for leave to file the specification of the invention.

38.—(1.) If any person is aggrieved by an entry in the Register of Inventions or Address Book, or by the omission of an entry therefrom, and a proceeding is not provided in the foregoing portion of this Ordinance whereby the register or book may be rectified, he may apply to the District Court of Colombo for an order for the rectification of the register or book, and the Court may make such order on the application as it thinks fit.

(2.) A copy of the order shall be forwarded by the Court to the Colonial Secretary, who shall cause an entry thereof and reference thereto to be made in the Register of Inventions, and against any entry in the Address Book affected thereby.

(3.) When the Colonial Secretary is a party to an application under this section, the costs of another party thereto shall not be adjudged to be payable by the Colonial Secretary.

39. If, on the petition of any person interested, it is proved to the Governor in Executive Council that, by reason of an inventor who has acquired an exclusive privilege under this Ordinance failing to grant licences on reasonable terms—

(a.) The exclusive privilege is not being worked in Ceylon; or

(b.) The reasonable requirements of the public with respect to the invention cannot be supplied; or

(c.) Any person is prevented from working or using to the best advantage an invention of which he is possessed;

The Governor in Executive Council may order the inventor to grant, or may himself, on behalf of the inventor, grant, licences on such terms as to the amount of royalties, security for payment, or otherwise, as the Governor in Executive Council, having regard to the nature of the invention and the circumstances of the case, may deem just.

40. If the petitioner or petitioners or any of them is or are absent from Ceylon, a petition for leave to file a specification, or a petition for leave to file a memorandum or amended specification, may, instead of being signed by the petitioner or petitioners under section 4, section 8, or section 16, as the case may be, be signed on behalf of the petitioner or petitioners by an agent in Ceylon authorized by him or them in writing in that behalf.

41.—(1.) A petition under this Ordinance for leave to file a specification, memorandum, or amended specification must be verified by the person or persons making the petition.

(2.) If the person or persons is or are absent from Ceylon, the petition may be verified by the agent who signs the petition on his or their behalf.

(3.) The verification must be signed by the person or persons making it, and must be to the effect that the facts stated in the petition are true to his or their knowledge, except as to matters

stated on information and belief, and that as to those matters they are believed by him or them to be true.

42. Subject to the provisions of the two last foregoing sections, and of any other enactment for the time being in force, any act which is required or authorized by this Ordinance to be done by any person may be done on his behalf by an agent in Ceylon having authority in writing from that person so to do the act.

43. All decisions and orders of the District Court of Colombo, made under the authority of this Ordinance, shall be subject to an appeal to the Supreme Court, and every such appeal shall be brought on and prosecuted in manner provided in the Civil Procedure Code, 1889, and shall be subject to the provisions of the said Code; and, subject to the provisions and limitations contained in the said Code, any party or parties to any action or proceeding under this Ordinance may appeal to Her Majesty in Council from any formal judgment, decree, or sentence of the Supreme Court, or against any rule or order made by such Court, and having the effect of a formal or definitive sentence.

44.—(1.) There shall be paid in respect of the several proceedings specified in the fourth Schedule the fees in that Schedule prescribed.

(2.) The Governor in Executive Council may, if he thinks fit, reduce any of those fees and revoke or vary the reduction.

(3.) The fees payable under this section shall be collected by means of stamps or otherwise as the Governor in Executive Council directs.

(4.) A proceeding in respect of which a fee is payable under the fourth Schedule shall be of no effect unless the fee has been paid.

45.—(1.) The Governor in Executive Council may make such rules and prescribe such forms as he thinks necessary for carrying out the purposes of this Ordinance, and may alter or amend either of the forms in the second and third Schedules.

(2.) Rules under this section may provide, among other matters, for the printing of specifications, memoranda, and amended specifications, and for the distribution or sale of printed copies thereof.

Passed in Council the 16th day of November, 1892.

H. L. CRAWFORD, *Clerk to the Council*.

Assented to by his Excellency the Governor the 21st day of November, 1892.

E. NOEL WALKER, *Colonial Secretary*.

THE FIRST SCHEDULE.

*Ordinances repealed.**(See Section 2.)*

Number and Year.	Subject or Title.	Extent of Repeal.
6 of 1859	Inventions Ordinance, 1859.	The whole.
3 of 1890	The Stamp Ordinance, 1890.	So much of Part V, Schedule (B), as refers to duties payable in respect of petitions and grants under "The Invention Ordinance, 1859."

THE SECOND SCHEDULE.

*(A.) Petition where Patent has not been obtained.**(See Sections 4 and 45.)*

To the Governor in Executive Council :

THE petition of [*insert names of petitioners or petitioner, as the case may be*], of [*insert addresses and occupations of petitioners or petitioner, as the case may be*], and of [*insert names of petitioners or petitioner, as the case may be*] of [*insert addresses and occupations of petitioners or petitioner, as the case may be*], for leave to file a specification under "The Inventions Ordinance, 1892."

1. The petitioner [*or petitioners*] is [*or are*] in possession of an invention for [*state the title of the invention*], which invention he [*or they*] believes [*or believe*] will be of public utility. He is [*or they are*] the inventor [*or inventors*] thereof [*or, as the case may be, the executors, administrators, or assigns of the inventor*], and the invention is not publicly used or known in any part of Ceylon or of the United Kingdom to the best of his [*or their*] knowledge and belief.

[*In the case of more than one petitioner, state whether all, or if not, who is or are the inventor or inventors.*]

2. The following is a description of the invention [*describe invention*].

The petitioner [*or petitioners*] therefore prays [*or pray*] for leave to file a specification of the invention pursuant to "The Inventions Ordinance, 1892."

(Signature or signatures.)

*(B.) Petition where Patent has been obtained.**(See Sections 4 and 45.)*

To the Governor in Executive Council :

THE petition of [*insert names of petitioners or petitioner, as the case may be*], of [*insert addresses and occupations of petitioners or petitioner, as the case may be*], and of [*insert names of petitioners or petitioner, as the case may be*],

of [*insert addresses and occupations of petitioners or petitioner, as the case may be*], for leave to file a specification under "The Inventions Ordinance, 1892."

1. The petitioner [*or petitioners*] [*or, as the case may be, A. B., of whom the petitioner is the executor, administrator, or assign*] has [*or have*] obtained a patent in the United Kingdom, dated and sealed on the day of , for [*state the title of the invention*].

2. The petitioner [*or petitioners*] believes [*or believe*] that the invention was not publicly known in any part of Ceylon at or before the date of the application for the patent.

3. The following is a description of the invention [*here describe it*].

4. The petitioner [*or petitioners*] therefore applies [*or apply*] for leave to file a specification of the invention pursuant to "The Inventions Ordinance, 1892."

(Signature or signatures.)

THE THIRD SCHEDULE.

Victoria, by the grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, &c.

To all to whom these presents shall come, greeting :

WHEREAS , of [*having previously obtained Her Majesty's Letters Patent for the exclusive use of a certain invention, intituled [*here insert title of the invention*] in the United Kingdom, but not extending to this island*]* has presented to , Governor of Ceylon, a petition (numbered in the Register of Inventions in the office of the Colonial Secretary) praying for leave to file a specification of [*the said invention*]* a certain invention, intituled , and we in Executive Council have made an order, dated the day of , 189 , authorizing the said to file a specification of the said invention ; and whereas the said did, on the day of , 189 , file a specification in accordance with the said order, and the same is entered in the Register of Inventions in the office of the Colonial Secretary ; and whereas the said hath done all things to entitle him to exclusive privilege in the invention in the said petition and specification mentioned and described, for the term of years :

Now know ye that we do grant to the said , his heirs, executors, administrators, and assigns, the exclusive privilege of making, selling, and using the said invention, and of authorizing others so to do, in Ceylon, for the term of years, in terms of and subject to the provisions of "The Inventions Ordinance, 1892."

Conditions.

Given at , under the public seal of the Island of Ceylon, this day of , 189 .

By his Excellency's command,

, Colonial Secretary.

* Use the words within the brackets when a patent has been obtained in the United Kingdom.

THE FOURTH SCHEDULE.

Fees (Inventions).

(See Sections 7, 13, and 44.)

	Rs.	c.
1. In respect of petitions for leave to file a specification (section 4) .	10	0
2. In respect of the filing of a specification (section 7)	30	0
3. In respect of an extension of the time for filing a specification (section 7)	20	0
4. In respect of the continuance of an exclusive privilege (section 7)—		
(a.) After the filing of the specification and before the expiration of the fourth year from the date of the filing thereof	50	0
(b.) After the expiration of the fourth year and before the expiration of the fifth year from that date	50	0
(c.) After the expiration of the fifth year and before the expiration of the sixth year from that date	50	0
(d.) After the expiration of the sixth year and before the expiration of the seventh year from that date	50	0
(e.) After the expiration of the seventh year and before the expiration of the eighth year from that date.. ..	50	0
(f.) After the expiration of the eighth year and before the expiration of the ninth year from that date	100	0
(g.) After the expiration of the ninth year and before the expiration of the tenth year from that date	100	0
(h.) After the expiration of the tenth year and before the expiration of the eleventh year from that date	100	0
(i.) After the expiration of the eleventh year and before the expiration of the twelfth year from that date	100	0
(j.) After the expiration of the twelfth year and before the expiration of the thirteenth year from that date.	100	0
Provided that the inventor may pay the sum total of the said fees in respect of the continuance of the exclusive privilege, or any part thereof short of the sum total, at any time before the same falls due.		
5. In respect of an enlargement of the time for payment of a fee under Article 4 of this Schedule (section 7)—		
(i.) If the enlargement does not exceed one month	10	0
(ii.) If the enlargement exceed one month, but does not exceed two months	25	0
(iii.) If the enlargement exceed two months.. .. .	50	0
6. In respect of petition for an extension of an exclusive privilege for a further term (section 13)	50	0
7. In respect of an order extending the term of an exclusive privilege (section 13)	100	0
8. In respect of the continuance of an exclusive privilege of which the term has been extended (section 13)	100	0
to be paid before the expiration of each year of the extended term :		

Provided that the inventor may pay the sum total of the said fees in respect of the con-

tinuance of the exclusive privilege, or any part thereof short of the sum total, at any time before the same falls due.

9. In respect of a petition for leave to file a memorandum or amended specification (section 16)	.. .. .	20	0
10. In respect of a petition to the Governor in Executive Council for a compulsory licence (section 39)	.. .. .	50	0
11. For the inspection of any book or other document which is open to inspection under this Ordinance	.. .. .	1	0
12. For copies :—			
(a.) When the number of words copied does not exceed 400	.. .. .	1	0
(b.) For every 100 words in excess of 400	.. .. .	0	25
(c.) Of drawings or photographs—cost according to agreement.			
13. For certifying copies :—			
For every 100 words	.. .. .	0	12½

LAW of the Government of Hayti, for regulating Tonnage Dues on Steamers.—Port-au-Prince, November 9, 1893.

HYPPOLITE, Président d'Haïti ;

Vu l'Article 69 de la Constitution ;

Vu également la Loi du 17 Novembre, 1876, fixant les droits de tonnage par steamer, et l'Article 47 de la Loi du 13 Juillet, 1858, sur l'administration et la direction des Douanes de la République ;

Considérant aussi que l'Administration Supérieure a l'impérieuse obligation de ne pas laisser léser les droits du fisc, et de mettre les interprètes-jurés attachés aux douanes de la République en possession des pièces nécessaires à la confection des manifestes ;

Sur la proposition du Secrétaire d'État des Finances et du Commerce, et de l'avis du Conseil des Secrétaires d'État ;

A proposé ;

Et le Corps Législatif a voté la Loi suivante :—

ART. 1^{er}. A partir du 1^{er} Janvier, 1894, les steamers payeront au fisc leur tonnage comme les voiliers, les droits additionnels compris.

Le prélèvement du droit fixe pour les steamers continuera à se faire sur le tonnage seulement des marchandises qu'ils auront débarquées dans les ports de la République.

2. L'amende de 5 pour cent prévue par l'Article 47 de la Loi sur l'administration et la direction des Douanes de la République et

pour les causes qui y sont énoncées, est portée à 20 pour cent de la valeur totale des droits fixés et des taxes additionnelles.

La présente Loi, qui abroge toutes les lois ou dispositions de loi qui lui sont contraires, sera publiée et exécutée à la diligence du Secrétaire d'État des Finances et du Commerce.

Donné à la Chambre des Représentants à Port-au-Prince le 6 Novembre, 1893, an 90^e de l'Indépendance.

STEWART, *Président de la Chambre.*

V. GUILLAUME,

BLÜCHER, *Secrétaires.*

Donné à la Maison Nationale au Port-au-Prince le 9 Novembre, 1893, an 90^e de l'Indépendance.

B. MAIGNAN, *Président du Sénat.*

A. DÉRAC,

P. E. LATORTUE, *Secrétaires.*

*ORDINANCE of the Government of Trinidad, to amend the
Law with respect to Foreign Postal Parcels.*

[No. 11.]

[August 1, 1887.]

(L.S.) WILLIAM ROBINSON, *Governor.*

August 10, 1887.

WHEREAS it is expedient to regulate the entry and export of foreign postal parcels and to declare the application of Ordinances relating to customs to foreign postal parcels :

Be it enacted by the Governor of Trinidad, with the advice and consent of the Legislative Council thereof, as follows :—

1. This Ordinance may be cited as “The Post Office (Foreign Parcels) Ordinance, 1887.”

2. The expression “foreign parcels” means parcels either posted in the Colony and sent to a place out of the Colony or posted in a place out of the Colony and sent to a place in the Colony, or in transit through the Colony to a place out of the Colony.

3. Subject to any regulations made under this Ordinance, the provisions of the Ordinances for the time being in force in the Colony relating to Customs in this Ordinance referred to as Customs enactments shall apply to goods contained in foreign parcels in like manner so far as is consistent with the tenour thereof as they apply to any other goods, and persons may be punished for offences against the said enactments, and goods may be examined, seized, and forfeited, and the officers seizing and examining them shall be protected, and legal proceedings in relation to the matters aforesaid may be taken accordingly under the said enactments.

4. The Governor in Executive Council may, on the recommendation of the Postmaster-General and the principal officer of Her Majesty's Customs in the Colony, from time to time make and, when made, revoke and vary regulations for the purpose of modifying or excepting the application of any of the Customs enactments to foreign parcels for the purpose of securing, in the case of such foreign parcels, the observance of the Customs enactments and for enabling the officers of the Post Office to perform, for the purposes of those enactments or otherwise, all or any of the duties of the importer and exporter or of officers of Her Majesty's Customs in the matter of foreign parcels, and for carrying into effect any arrangement with the Imperial Treasury or the Government of any British possession with reference to foreign parcels and for punishing any contravention of the Customs enactments or of the regulations under this section.

5. The Postmaster-General shall have the same right of recovering any sums paid in pursuance of the Customs enactments or otherwise under the said regulations in respect of parcels brought to the Colony as the Postmaster-General would have if the sums so paid were a rate of postage.

6. A contravention of the regulations in force under this Ordinance shall be deemed to be a contravention of the Customs enactments, and shall involve accordingly the like punishment of persons guilty thereof and the like forfeiture of goods.

Passed in Council this 1st day of August, in the year of our Lord 1887.

J. CUNNINGHAM, *Acting Clerk of the Council*.

ORDINANCE of the Government of Trinidad, to consolidate and amend the Law relating to Fraudulent Marks on Merchandize.

[No. 7.]

[June 11, 1888.]

(L.S.) WILLIAM ROBINSON, *Governor*.

June 20, 1888.

BE it enacted by the Governor of Trinidad, with the advice and consent of the Legislative Council thereof, as follows:—

1. This Ordinance may be cited as “The Merchandize Marks Ordinance, 1888.”

2.—(1.) Every person who—

(a.) Forges any trade-mark; or

(b.) Falsely applies to goods any trade-mark or any mark so nearly resembling a trade-mark as to be calculated to deceive; or

(c.) Makes any die, block, machine, or other instrument for the purpose of forging or of being used for forging a trade-mark; or

(d.) Applies any false trade description to goods; or

(e.) Disposes of or has in his possession any die, block, machine, or other instrument for the purpose of forging a trade-mark; or

(f.) Causes any of the things above in this section mentioned to be done, shall, subject to the provisions of this Ordinance, and unless he proves that he acted without intent to defraud, be guilty of an offence against this Ordinance.

(2.) Every person who sells, or exposes for, or has in his possession for, sale, or any purpose of trade or manufacture, any goods or things to which any forged trade-mark or false trade description is applied, or to which any trade-mark or mark so nearly resembling a trade-mark as to be calculated to deceive is falsely applied, as the case may be, shall, unless he proves—

(a.) That having taken all reasonable precaution against committing an offence against this Ordinance he had at the time of the commission of the alleged offence no reason to suspect the genuineness of the trade-mark, mark, or trade description; and

(b.) That on demand made by or on behalf of the prosecution, he gave all the information in his power with respect to the persons from whom he obtained such goods or things; or

(c.) That otherwise he had acted innocently,—

Be guilty of an offence against this Ordinance.

(3.) Every person guilty of an offence against this Ordinance shall be liable—

(i.) On conviction on indictment to imprisonment with or without hard labour, for a term not exceeding two years, or to fine, or to both imprisonment and fine; and

(ii.) On summary conviction to imprisonment with or without hard labour, for a term not exceeding four months, or to a fine not exceeding 20*l.*, and, in the case of a second or subsequent conviction, to imprisonment, with or without hard labour, for a term not exceeding six months, or to a fine not exceeding 50*l.*; and

(iii.) In any case, to forfeit to Her Majesty every chattel, article, instrument, or thing by means of or in relation to which the offence has been committed.

(4.) The Court before whom any person is convicted under this section may order any forfeited articles to be destroyed or otherwise disposed of as the Court thinks fit.

(5.) If any person feels aggrieved by any conviction made by a Court of Summary Jurisdiction, he may appeal therefrom to the Supreme Court.

(6.) Any offence for which a person is under this Ordinance liable to punishment on summary conviction may be prosecuted, and any articles liable to be forfeited under this Ordinance by a Court of Summary Jurisdiction may be forfeited in manner prescribed by the Ordinance No. 5 of 1868, intituled "An Ordinance respecting the Summary Administration of Justice."

Provided that a person charged with any offence under this section before a Court of Summary Jurisdiction shall, on appearing before the Court, and before the charge is gone into, be informed of his right to be tried on indictment, and, if he requires, be so tried accordingly.

3.—(1.) For the purpose of this Ordinance—

The expression "trade-mark" means any trade-mark which, either with or without registration, is protected by law in the United Kingdom or in any British possession or foreign State to which the provisions of sections 103 and 104 of "The Patents, Designs, and Trade-Marks Act, 1883,"* of the Imperial Parliament are, under Order in Council, for the time being applicable ;

The expression "trade description" means any description, statement, or other indication, direct or indirect—

(a.) As to the number, quantity, measure, gauge, or weight of any goods ; or

(b.) As to the place or country in which any goods were made or produced ; or

(c.) As to the mode of manufacturing or producing any goods ; or

(d.) As to the material of which any goods are composed ; or

(e.) As to any goods being the subject of an existing patent, privilege, or copyright ;

And the use of any figure, word, or mark which, according to the custom of the trade, is commonly taken to be an indication of any of the above matters, shall be deemed to be a trade description within the meaning of this Ordinance ;

The expression "false trade description" means a trade description which is false in a material respect as regards the goods to which it is applied, and includes every alteration of a trade description, whether by way of addition, effacement, or otherwise, where that alteration makes the description false in a material respect, and the fact that a trade description is a trade-mark, or part of a trade-mark, shall not prevent such trade description being a false trade description within the meaning of this Ordinance ;

The expression "goods" means anything which is the subject of trade, manufacture, or merchandize ;

The expressions "person," "manufacturer," "dealer," or "trader," and "proprietor" include any body of persons corporate or unincorporate ;

The expression "name" includes any abbreviation of a name.

(2.) The provisions of this Ordinance respecting the application of a false trade description to goods shall extend to the application to goods of any such figures, words, or marks, or arrangement or combination thereof, whether including a trade-mark or not, as are reasonably calculated to lead persons to believe that the goods are the manufacture or merchandize of some person other than the person whose manufacture or merchandize they really are.

(3.) The provisions of this Ordinance respecting the application of a false trade description to goods, or respecting goods to which a false trade description is applied, shall extend to the application to goods of any false name or initials of a person, and to goods with the false name or initials of a person applied, in like manner as if such name or initials were a trade description, and for the purpose of this enactment the expression "false name or initials" means as applied to any goods any name or initials of a person which—

(a.) Are not a trade-mark, or part of a trade-mark ; and

(b.) Are identical with, or a colourable imitation of, the name or initials of a person carrying on business in connection with goods of the same description, and not having authorized the use of such name or initials ; and

(c.) Are either those of a fictitious person or of some person not *bonâ fide* carrying on business in connection with such goods.

4. A person shall be deemed to forge a trade-mark who either—

(a.) Without the assent of the proprietor of the trade-mark makes that trade-mark or a mark so nearly resembling that trade-mark as to be calculated to deceive ; or

(b.) Falsifies any genuine trade-mark, whether by alteration, addition, effacement, or otherwise ;

And any trade-mark or mark so made or falsified is in this Ordinance referred to as a forged trade-mark.

Provided that in any prosecution for forging a trade-mark the burden of proving the assent of the proprietor shall lie on the defendant.

5.—(1.) A person shall be deemed to apply a trade-mark, or mark, or trade description, to goods who—

(a.) Applies it to the goods themselves ; or

(b.) Applies it to any covering, label, reel, or other thing in or with which the goods are sold or exposed or had in possession for any purpose of sale, trade, or manufacture ; or

(c.) Places, incloses, or annexes any goods which are sold or exposed or had in possession for any purpose of sale, trade, or

manufacture, in, with, or to any covering, label, reel, or other thing to which a trade-mark or trade description has been applied ; or

(*d.*) Uses a trade-mark, or mark, or trade description in any manner calculated to lead to the belief that the goods in connection with which it is used are designated or described by that trade-mark, or mark, or trade description.

(2.) The expression "covering" includes any stopper, cask, bottle, vessel, box, cover, capsule, case, frame, or wrapper ; and the expression "label" includes any band or ticket.

A trade-mark, or mark, or trade description shall be deemed to be applied whether it is woven, impressed, or otherwise worked into, or annexed, or affixed to the goods, or to any covering, label, reel, or other thing.

(3.) A person shall be deemed to falsely apply to goods a trade-mark or mark who, without the assent of the proprietor of a trade-mark, applies such trade-mark or a mark so nearly resembling it as to be calculated to deceive, but in any prosecution for falsely applying a trade-mark or mark to goods the burden of proving the assent of the proprietor shall lie on the defendant.

6. Where the defendant is charged with making a die, block, machine, or other instrument for the purpose of forging, or being used for forging, a trade-mark, or with falsely applying to goods any trade-mark or any mark so nearly resembling a trade-mark as to be calculated to deceive, or with applying to goods any false trade description, or causing any of the things in this section mentioned to be done, and proves—

(*a.*) That in the ordinary course of his business he is employed, on behalf of other persons, to make dies, blocks, machines, or other instruments for making, or being used in making, trade-marks, or, as the case may be, to apply marks or descriptions to goods, and that in the case which is the subject of the charge he was so employed by some person resident in the Colony, and was not interested in the goods by way of profit or commission dependent on the sale of such goods ; and

(*b.*) That he took reasonable precautions against committing the offence charged ; and

(*c.*) That he had, at the time of the commission of the alleged offence, no reason to suspect the genuineness of the trade-mark, mark, or trade description ; and

(*d.*) That he gave to the prosecutor all the information in his power with respect to the persons on whose behalf the trade-mark, mark, or description was applied ;

He shall be discharged from the prosecution, but shall be liable to pay the costs incurred by the prosecutor, unless he has given due notice to him that he will rely on the above defence.

7. Where a watch-case has thereon any words or marks which constitute, or are by common repute considered as constituting, a description of the country in which the watch was made, and the watch bears no description of the country where it was made, those words or marks shall *primâ facie* be deemed to be a description of that country within the meaning of this Ordinance, and the provisions of this Ordinance with respect to goods to which a false trade description has been applied, and with respect to selling or exposing for, or having in possession for, sale, or any purpose of trade or manufacture, goods with a false trade description, shall apply accordingly, and for the purposes of this section the expression "watch" means all that portion of a watch which is not the watch-case.

8. In any indictment, pleading, proceeding, or document in which any trade-mark or forged trade-mark is intended to be mentioned, it shall be sufficient, without further description and without any copy or fac-simile, to state that trade-mark or forged trade-mark to be a trade-mark or forged trade-mark.

9. In any prosecution for an offence against this Ordinance—

(1.) A defendant, and his wife or her husband, as the case may be, may, if the defendant thinks fit, be called as a witness, and, if called, shall be sworn and examined, and may be cross-examined and re-examined in like manner as any other witness.

(2.) In the case of imported goods, evidence of the port of shipment shall be *primâ facie* evidence of the place or country in which the goods were made or produced.

10. Any person who, being within the Colony, procures, counsels, aids, abets, or is accessory to the commission, without the Colony, of any act which, if committed in the Colony, would under this Ordinance be a misdemeanour, shall be guilty of that misdemeanour as a principal, and be liable to be indicted, proceeded against, tried, and convicted in that part of Colony in which he may be, as if the misdemeanour had been there committed.

11.—(1.) Where, upon information of an offence against this Ordinance, a Stipendiary Justice of the Peace has issued either a summons requiring the defendant charged by such information to appear to answer to the same, or a warrant for the arrest of such defendant, and either the said Justice on or after issuing the summons or warrant, or any other Stipendiary Justice of the Peace, is satisfied by information on oath that there is reasonable cause to suspect that any goods or things by means of or in relation to which such offence has been committed are in any house or premises of the defendant, or otherwise in his possession or under his control in any place, such Stipendiary Justice of the Peace may issue a warrant under his hand by virtue of which it shall be lawful for any

constable named or referred to in the warrant to enter such house, premises, or place at any reasonable time by day, and to search there for and seize and take away those goods or things; and any goods or things seized under any such warrant shall be brought before a Court of Summary Jurisdiction for the purpose of its being determined whether the same are or are not liable to forfeiture under this Ordinance.

(2.) If the owner of any goods or things which, if the owner thereof had been convicted, would be liable to forfeiture under this Ordinance, is unknown or cannot be found, an information or complaint may be laid for the purpose only of enforcing such forfeiture, and a Court of Summary Jurisdiction may cause notice to be advertised stating that, unless cause is shown to the contrary at the time and place named in the notice, such goods or things will be forfeited, and at such time and place the Court, unless the owner or any person on his behalf, or other person interested in the goods or things, show cause to the contrary, may order such goods or things or any of them to be forfeited.

(3.) Any goods or things forfeited under this section, or under any other provision of this Ordinance, may be destroyed or otherwise disposed of, in such manner as the Court by which the same are forfeited may direct, and the Court may, out of any proceeds which may be realized by the disposition of such goods (all trade-marks and trade descriptions being first obliterated), award to any innocent party any loss he may have innocently sustained in dealing with such goods.

12. On any prosecution under this Ordinance the Court may order costs to be paid to the defendant by the prosecutor, or to the prosecutor by the defendant, having regard to the information given by, and the conduct of, the defendant and prosecutor respectively.

13. No prosecution for an offence against this Ordinance shall be commenced after the expiration of three years next after the commission of the offence, or one year next after the first discovery thereof by the prosecutor, whichever expiration first happens.

14. On the sale or in the contract for the sale of any goods to which a trade-mark, or mark, or trade description has been applied, the vendor shall be deemed to warrant that the mark is a genuine trade-mark and not forged or falsely applied, or that the trade description is not a false trade description within the meaning of this Ordinance, unless the contrary is expressed in some writing signed by or on behalf of the vendor and delivered at the time of the sale or contract to and accepted by the vendee.

15. Where, at the passing of this Ordinance, a trade description is lawfully and generally applied to goods of a particular class, or

manufactured by a particular method, to indicate the particular class or method of manufacture of such goods, the provisions of this Ordinance with respect to false trade descriptions shall not apply to such trade description when so applied: Provided that where such trade description includes the name of a place or country and is calculated to mislead as to the place or country where the goods to which it is applied were actually made or produced, and the goods are not actually made or produced in that place or country, this section shall not apply unless there is added to the trade description, immediately before or after the name of that place or country, in an equally conspicuous manner, with that name, the name of the place or country in which the goods were actually made or produced, with a statement that they were made or produced there.

16.—(1.) This Ordinance shall not exempt any person from any action, suit, or other proceeding which might, but for the provisions of this Ordinance, be brought against him.

(2.) Nothing in this Ordinance shall entitle any person to refuse to make a complete discovery, or to answer any question or interrogatory in any action, but such discovery or answer shall not be admissible in evidence against such person in any prosecution for an offence against this Ordinance.

(3.) Nothing in this Ordinance shall be construed so as to render liable to any prosecution or punishment any servant of a master resident in the Colony who *bonâ fide* acts in obedience to the instructions of such master, and, on demand made by or on behalf of the prosecutor, has given full information as to his master.

17. Any person who falsely represents that any goods are made by a person holding a Royal Warrant, or for the service of Her Majesty, or any of the Royal Family, shall be liable, on summary conviction, to a penalty not exceeding 20*l*.

Passed in Council this 11th day of June, in the year of our Lord 1888.

A. C. ROSS, *Clerk of the Council*.

ORDINANCE of the Government of Trinidad, to provide for the Registration of Copyright in Literary and Artistic Works, and for the Preservation of Copies of Books published in the Colony.

[No. 10.]

[June 18, 1888.]

(L.S.) WILLIAM ROBINSON, *Governor*.*June 23, 1888.*

BE it enacted by the Governor of Trinidad, with the advice and consent of the Legislative Council thereof, as follows :—

PART I.

1. This Ordinance may be cited as “The Literary and Artistic Works (Registration) Ordinance, 1888.”

2. In this Ordinance the following words and expressions shall have the following meaning :

“Literary and artistic works” comprehends books, pamphlets, and all other writings, dramatic or dramatico-musical works, musical compositions with or without words, works of design, painting, sculpture, and engraving, lithographs, illustrations, geographical charts, plans, sketches, and plastic works relative to geography, topography, architecture, or science in general, in fact every production whatsoever in the literary, scientific, or artistic domain which can be published by any mode of impression or reproduction and in which copyright is by any law now or hereafter to be in force in the British dominions or in any country of the Foreign Copyright Union established by the Convention set forth in Her Majesty’s Order in Council dated the 28th day of November, 1887 ;*

“Country of origin” means the country in which a literary or artistic work is first published, or for an unpublished literary or artistic work the country to which the author belongs ;

“Book” shall be construed to mean and include every volume, part or division of a volume, pamphlet, sheet of letter-press, sheet of music, map, chart, or plan separately published ;

“Dramatic piece” shall be construed to mean and include every tragedy, comedy, play, opera, farce, or other scenic, musical, or dramatic entertainment ;

“Sculpture” shall be construed to mean and include every sculpture, or model, or copy, or cast of the human figure or human figures, or of any bust or busts, or of any part or parts of the human figure, clothed in drapery or otherwise, or of any animal or animals, or of any part or parts of an animal combined with the human figure

or otherwise, or of any subject being matter of invention in sculpture, or of any alto or basso-relievo representing any of the matters or things hereinbefore mentioned, or any cast from nature of the human figure or of any part or parts of the human figure, or of any cast from nature of any animal, or of any part or parts of an animal, or of any subject containing or representing any of the matters and things hereinbefore mentioned, whether separate or combined.

3. It shall be lawful for the Governor to appoint a Registrar of Copyrights, with an office to be called the Registry of Copyrights, and until such appointment be made the Registrar-General shall be, and perform the duties of, Registrar of Copyrights, and the office of the said Registrar-General shall be the Registry of Copyrights.

4. There shall be kept by the Registrar of Copyrights a book of registry, entitled "The Register of Proprietors of Copyright in Literary and Artistic Works," wherein may be entered a Memorandum of every copyright in any literary or artistic work or portion of each copyright, and also of every subsequent assignment of any such copyright or portion of such copyright, and such Memorandum shall contain such particulars and be in such form as is prescribed by the form given in the Schedule to this Ordinance, and such book or books of registry shall at all convenient times be open to the inspection of any person on payment of 1s. for every entry which shall be searched for or inspected in the said book or books, and the Registrar of Copyrights shall, whenever thereunto reasonably required, give a copy of any entry in such book or books certified under his hand and impressed with the stamps of the Registry of Copyrights to be provided by the Registrar of Copyrights for the purpose, and which he is hereby required to provide to any person requiring the same on payment to him of the sum of 5s., and such copies so certified and impressed shall be received in evidence in all Courts and in all summary proceedings, and shall be *primâ facie* proof of the proprietorship or assignment of copyright as therein expressed, but subject to be rebutted by other evidence, and in the case of dramatic or musical pieces shall be *primâ facie* proof of the right of representation or performance, subject to be rebutted as aforesaid.

5. It shall be lawful for the proprietor of copyright in any literary or artistic work to make entry in the registry book or books hereinbefore directed to be kept of the several particulars hereinafter prescribed and in the form applicable to the case given in Schedule (A) of this Ordinance of the copyright or of any portion of such copyright in any such literary or artistic work upon payment of the sum of 5s. to the Registrar of Copyrights, and it shall be lawful for every such registered proprietor to assign his interest or any portion of his interest therein by making entry in the said

book of registry of such assignment and of the name and abode of the assignee thereof in the form given in that behalf in the said Schedule on payment of the like sum, and such assignment so entered shall be effectual in law to all intents and purposes whatsoever without being subject to any stamp or duty, and shall be of the same force and effect as if the same had been made by deed.

6. The following particulars of literary and artistic works are hereby required to be entered in any entry of proprietorship in copyright therein or any part thereof, that is to say, as regards books and dramatic pieces or musical compositions in the event of the same having been printed, the title thereof, the name and place of abode of the author or composer thereof, the name and place of abode of the proprietor of the copyright thereof, the time and place of the first publication, representation, or performance thereof, as the case may be: Provided always that if a book be published anonymously or pseudonymously it shall be sufficient to insert in the entry thereof the name and place of abode of the first publisher thereof instead of the name and place of abode of the author thereof, together with a declaration that such entry is made either on behalf of the author or on behalf of such first publisher, as the case may require, and as regards dramatic pieces and musical compositions in manuscript, the title to the same, the name and place of abode of the author or composer thereof, the name and place of abode of the proprietor of the right of representing or performing the same, and the time and place of the first representation thereof. And as regards prints, the title thereof, the name and place of abode of the inventor, designer, or engraver thereof, the name of the proprietor of the copyright therein, and the time and place of the first publication thereof. And as regards any original painting, drawing, or photograph, the name and place of abode of the author thereof, together with a short description of the nature and subject of such work, and, in addition thereto, if the person registering shall so desire, a sketch outline or photograph of the said work. And as regards any article of sculpture or any other literary or artistic work in which there is copyright by law, a descriptive title thereof, the name and place of abode of the maker thereof, the name of the proprietor of copyright therein and the time and place of its first publication.

7. If any person shall wilfully make or cause to be made any false entry in the aforesaid book or books of registry or shall wilfully produce or cause to be tendered in evidence any paper falsely purporting to be a copy of any entry in the said book or books, he shall be guilty of an indictable misdemeanour, and shall be liable to imprisonment, with or without hard labour, for any period not exceeding five years.

8. If any person shall deem himself aggrieved by any entry made under colour of this Ordinance in the said book or books of registry, it shall be lawful for such person to apply by motion to the Supreme Court or any Judge thereof for an order that such entry may be expunged or varied, and upon any such application such Court or Judge shall make such order for expunging, varying, or confirming such entry either with or without costs as to such Court or Judge shall seem just, and the Registrar of Copyrights shall, on production to him of any such order for expunging or varying such entry, expunge or vary the same according to the requisitions of such order.

9. The Registrar of Copyrights shall account for all sums of money received by him to the Governor, and it shall be lawful for the Governor to appropriate the money so received in the remuneration of the Registrar of Copyrights and the payment of any expenses incurred in carrying out the provisions of this Ordinance in such manner as the Governor, with the advice and consent of the Executive Council, shall think fit: Provided that any balance of such moneys not so appropriated shall form part of the general revenue of the Colony.

PART II.

10. Three printed or lithographed copies of the whole of every book not being a publication consisting merely of a price list, sale catalogue, annual report, trade circular, or trade advertisement which shall be printed or lithographed in this Colony after this Ordinance shall come into force, together with all maps, prints, or other engravings belonging thereto, finished and coloured in the same manner as the best copies of the same shall be produced, and also of any second or subsequent edition which shall be so produced with any additions or alterations, whether the same shall be in letter-press or in the maps, prints, or other engravings belonging thereto, and whether the first edition of such book shall have been produced before or after this Ordinance shall come into force, shall, within one calendar month after the day on which any such book shall first be delivered out of the press, and, notwithstanding any agreement (if the book be published) between the printer and publisher thereof, be delivered free of any charge, claim, or demand whatsoever by the printer, bound, sewed, or stitched together, and upon the best paper on which the same shall be printed or lithographed, to the Registrar of Copyrights. The publisher or other person employing the printer shall, at a reasonable time before the expiration of the said month, supply him with all maps, prints, and engravings, finished and coloured as aforesaid, which may be necessary to enable him to comply with the requirements aforesaid.

11. The Registrar of Copyrights shall thereupon give a receipt in writing for the copies so received.

12. One of such copies shall be transmitted to Her Majesty's Secretary of State for the Colonies, another copy shall be disposed of as the Governor, with the advice of the Executive Council, shall from time to time, by general or special order, direct, and the remaining copy shall, after a Memorandum containing the particulars hereinafter mentioned respecting the book shall have been registered as hereinafter provided, be deposited in such Public Library, or be otherwise disposed of as the Governor shall from time to time determine.

13. There shall be kept at the Registry of Copyrights, and by the Registrar of Copyrights, a book to be called "A Catalogue of Books printed in Trinidad," wherein shall be registered a Memorandum of every book which shall have been delivered pursuant to section 10 of this Ordinance; such Memorandum shall (so far as may be practicable) contain the following particulars, that is to say:—

(1.) The title of the book and the contents of the title-page, with a translation into English of such title and contents, when the same are not in the English language;

(2.) The language in which the book is written;

(3.) The name of the author, translator, or editor of the book or any part thereof;

(4.) The subject;

(5.) The place of printing and the place of publication;

(6.) The name or firm of the printer, and the name or firm of the publisher;

(7.) The date of issue from the press or of the publication;

(8.) The number of sheets, leaves, or pages;

(9.) The size;

(10.) The first, second, or other number of the edition;

(11.) The number of copies of which the edition consists;

(12.) Whether the book is printed or lithographed;

(13.) The price at which the book is sold to the public; and

(14.) The name and residence of the proprietor of the copyright or of any portion of such copyright.

Such Memorandum shall be made and registered in the case of each book as soon as practicable after the delivery of the copies thereof in manner aforesaid.

14. The Memoranda registered during each quarter in the said catalogue shall be published in the "Royal Gazette" as soon as may be after the end of such quarter, and a copy of the Memoranda so published shall be sent to the said Secretary of State for the Colonies.

15. Every printer who neglects to deliver three copies of any such book as is referred to in section 10 of this Ordinance, or of any second or subsequent edition of any such book, to the officer, and in the manner hereinbefore prescribed, commits an offence punishable by a fine not exceeding 5*l*.

16. Every publisher or other person, employing any such printer, who neglects to supply him in manner aforesaid with maps, prints, or engravings finished and coloured as aforesaid, which may be necessary to enable such printer to comply with the provisions of the said section, commits an offence punishable by a fine not exceeding 5*l*.

17. All pecuniary penalties imposed under this Ordinance may be sued for and recovered in the manner prescribed by the Ordinance No. 5 of 1868, intituled "An Ordinance respecting the Summary Administration of Justice."

18. The Governor, with the advice of the Executive Council, shall have power to make such rules as may be necessary or desirable for carrying out the objects of this Ordinance, and from time to time to repeal, alter, and add to such rules. All such rules and all repeals and alterations thereof and additions thereto shall be published in the "Royal Gazette."

19. The Governor, with the advice of the Executive Council, may, by notification in the "Royal Gazette," exclude any class of books from the operation of the whole or any part or parts of Part II in this Ordinance.

Passed in Council this 18th day of June, in the year of our Lord 1888.

A. C. ROSS, *Clerk of the Council*.

THE SCHEDULE.

Form of original Entry of Proprietorship of Copyright, viz.:

As regards Books, Dramatic Pieces, or Musical Compositions, where the same has been Printed.

Time of making the Entry.	Title of Book, &c.	Name and Place of Abode of Author or Composer.	Name and Place of Abode of the Proprietor of Copyright.	Time and Place of First Publication, Representation, or Performance.
	Y. Z.		A. B.	

As regards Dramatic Pieces or Musical Compositions, where the same is in Manuscript.

Time of making the Entry.	The Title.	Name and Place of Abode of Author or Composer.	Name and Place of Abode of Proprietor of Right of Representing or Performing.	Time and Place of First Representation.
	Y. Z.	A. B.	C. D.	

As regards Prints.

Time of making the Entry.	The Title.	Name and Place of Abode of Inventor, Designer, or Engraver.	Name of Proprietor of Copyright.	Time and Place of First Publication.

As regards original Painting, Drawing, or Photograph.

Time of making the Entry.	The Name and Place of Abode of Author.	Short Description of Nature and Subject of Work.	Sketch, Outline, or Photograph of Work, if desired by Person registering.
	A. B.		

As regards Article of Sculpture, &c.

Time of making the Entry.	Descriptive Title.	Name and Place of Abode of Maker.	Name of Proprietor of Copyright.	Time and Place of First Publication.
	<i>Y. Z.</i>	<i>A. B.</i>	<i>C. D.</i>	

Form of requiring Entry of Proprietorship.

I, *A. B.*, of _____, do hereby certify that I am the proprietor of the copyright of a book [*or, as the case may be*] intituled *Y. Z.*, and I hereby require you to make entry in the Register Book of Proprietors of Copyright in Literary and Artistic Works of my proprietorship of such copyright, according to the particulars underwritten.

Title of Book.	Name and Place of Abode of Publisher and Place of Publication.	Name and Place of Abode of the Proprietor of the Copyright.	Date of First Publication.
<i>Y. Z.</i>		<i>A. B.</i>	

Dated this _____ day of _____, 18 ____.

Witness, *C. D.*

(Signed) *A. B.*

Form of Concurrence of the Party assigning in any Book previously Registered.

I, *A. B.*, of _____, being the assigner of the copyright of the book [*or, as the case may be*] hereunder described, do hereby require you to make entry of the assignment of the copyright therein.

Title of Book, &c.	Assigner of the Copyright.	Assignee of Copyright.
<i>Y. Z.</i>	<i>A. B.</i>	<i>C. D.</i>

Dated this _____ day of _____, 18 ____.

(Signed) *A. B.*

Form of Entry of Assignment of Copyright in any Book, &c., previously Registered.

Date of Entry.	Title of Book.	Assigner of the Copyright.	Assignee of Copyright.
	[Set out the title of the book, and refer to the page of the Registry Book in which the original entry of the copyright thereof is made.]	A. B.	C. D.

ACT of the Government of Tasmania, to amend the Law relating to Patents for Inventions, and the Registration of Designs and Trade-marks.

[No. 6.]

[September 29, 1893.]

BE it enacted by his Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly in Parliament assembled, as follows:—

1. This Act may be cited as “The Patents, Designs, and Trade-marks Act, 1893.”

2. This Act shall come into operation on the 1st day of January, in the year 1894.

3. This Act is divided into six parts, as follows:—

Part I.—Preliminary (sections 4 to 8);

Part II.—Patents (sections 9 to 54).

Part III.—Industrial Designs (sections 55 to 68).

Part IV.—Trade-marks (sections 69 to 105).

Part V.—International and Intercolonial Arrangements (sections 106 and 107).

Part VI.—General (sections 108 to 131).

PART I.—PRELIMINARY.

4. In this Act, unless the context otherwise requires—

“British possession” means any territory or place situate within Her Majesty’s dominions, and not being or forming part of the United Kingdom; and all territories and places under one Legislature, as hereinafter defined, are deemed to be one British possession for the purposes of this Act;

"Copyright" means the exclusive right to apply a design to any article of manufacture, or to any artificial or natural, or partly artificial and partly natural, substance in the class or classes in which the design is registered;

"Court" means the Supreme Court of Tasmania;

"Design" means any design applicable to any article of manufacture, or to any substance, artificial or natural, or partly artificial and partly natural, whether the design is applicable for the pattern, or for the shape or configuration, or for the ornament thereof, or for any two or more of such purposes, and by whatever means it is applicable, whether by printing, painting, embroidering, weaving, sewing, modelling, casting, embossing, engraving, staining, or any other means whatever, manual, mechanical, or chemical, separate or combined, not being a design for a sculpture, or other thing within the protection of "The Sculpture Copyright Act, 1814" (54 Geo. III, cap. 56), or other Act in substitution thereof for the time being in force in Tasmania;

"Gazette" means the "Hobart Gazette;"

"Invention" means any manner of new manufacture the subject of Letters Patent and grant of privilege within section 6 of the Statute of Monopolies (that is, the Act of the twenty-first year of the reign of King James I, cap. 3, intituled "An Act concerning Monopolies and Dispensations with Penal Laws, and the Forfeiture thereof"), and includes an alleged invention;

"Judge" means a Judge of the Supreme Court sitting in chambers;

"Legislature" includes any person or persons who exercise legislative authority in the British possession, and where there are local Legislatures as well as a central Legislature, means the central Legislature only;

"Minister" means the responsible Minister of the Crown administering this Act;

"Patent" means Letters Patent for an invention;

"Patentee" means the person for the time being entitled to the benefit of a patent;

"Person" includes a body corporate;

"Prescribed" means prescribed by any of the Schedules to this Act, or by general rules under or within the meaning of this Act;

"Registrar" means the Registrar of Patents, Designs, and Trade-marks;

"Trade-mark" means a trade-mark registered in the register of trade-marks kept under this Act, and includes any trade-mark which, either with or without registration, is protected by law in the United Kingdom or in any British possession or foreign State

to which the provisions of section 103 of the Act of the Imperial Parliament, shortly intituled "The Patents, Designs, and Trade-marks Act, 1883,"* are, under Her Majesty's Order in Council, for the time being applicable;

"United Kingdom" includes the Channel Islands and the Isle of Man.

5. The Acts mentioned in the Schedule (1) to this Act are hereby repealed; but such repeal shall not—

(i.) Affect the past operation of any of those Acts, or any patent or copyright, or right to use a trade-mark granted or acquired, subject, however, to renewal of such right under this Act, or any application pending, or appointment made, or order of direction made or given, or right, privilege, obligation, or liability acquired, accrued, or incurred, or anything duly done or suffered under or by any of those Acts before or at the date on which this Act comes into operation; or

(ii.) Interfere with the institution or prosecution of any action or proceeding, civil or criminal, in respect thereof; and any such proceeding may be carried on as if this Act had not been passed; or

(iii.) Take away or abridge any protection or benefit in relation to any such action or proceeding.

Provided that where any Letters Patent applied for under any Act hereby repealed have not been sealed during the continuance of any protection granted under any such Act, and the delay in such sealing has arisen from accident, and not from the wilful default of the applicant, it shall be lawful for the Governor, if he thinks fit, to seal such Letters Patent at any time within one month after the day on which this Act comes into operation.

6.—(1.) The register of patents kept under any Act repealed by this Act shall be deemed part of the same book as the register of patents kept under this Act.

(2.) The register of trade-marks kept under any Act repealed by this Act shall be deemed part of the same book as the register of trade-marks kept under this Act.

7.—(1.) The Governor in Council may from time to time appoint such person as he thinks fit to be Registrar of Patents, Designs, and Trade-marks, and from time to time at pleasure to remove the said Registrar and appoint some other person in his room, and in like manner may from time to time appoint a place to be the "Patent Office."

(2.) The person who, at the commencement of this Act, holds the office of Registrar of Patents under the Acts hereby repealed shall be and act as Registrar of Patents, Designs, and Trade-marks under this Act.

(3.) The place used as the Patent Office on the day on which this Act comes into operation shall be deemed to have been appointed under this Act.

8.—(1.) The Governor in Council may at any time appoint a fit and proper person to be Deputy Registrar, to act in case of the death, illness, or absence of the Registrar, and such Deputy shall, during the time he shall so act, have all the powers and privileges, and shall perform all the duties and be subject to the responsibilities of the Registrar.

(2.) Whenever the Registrar shall die, the Deputy Registrar shall act as such from the day of such death, and, in the case of illness or absence, shall act as such from such day as the Registrar shall certify under his hand to the Deputy Registrar that he is ill and unable to perform his duties, or that he is about to be absent, or from such day as the Governor in Council may name for that purpose, and such Deputy Registrar shall cease to act as such on the day on which he shall receive from the Registrar a certificate under his hand to the effect that he has resumed his duties.

PART II.—PATENTS.

Application for and Grant of Patent.

9.—(1.) Any person, whether a British subject or not, may make an application for a patent.

(2.) Two or more persons may make a joint application for a patent, and a patent may be granted to them jointly.

(3.) A patent may also be granted to several persons jointly some or one of whom only are or is the true and first inventors or inventor.

10.—(1.) If a person possessed of an invention dies without making application for a patent for the invention, application may be made by, and a patent for the invention granted to, his legal representative.

(2.) Every such application must be made within six months of the decease of such person, and must contain a declaration by the legal representative that he believes such person to have been the true and first inventor of the invention.

11.—(1.) An application for a patent must be made in the form set forth in the Schedule (2) to this Act, or to the like effect, and must be left at, or sent by post to, the Patent Office.

(2.) An application must contain a declaration attested by a witness to the effect that the applicant is in possession of an invention whereof he, or, in the case of a joint application, one or more of the applicants, claims or claim to be the true and first inventor or inventors, and for which he or they desires or desire to

obtain a patent, and must be accompanied by either a provisional or complete specification, in the form in the Schedule (2) to this Act, or to the like effect, and signed by the applicant.

(3.) A provisional specification must describe the nature of the invention, and be accompanied by drawings, if required.

(4.) A complete specification, whether left on application or subsequently, must particularly describe and ascertain the nature of the invention, and in what manner it is to be performed, and must be accompanied by drawings, if required, or a reference to the drawings, if any, which accompanied the provisional specification.

(5.) A copy of every specification, whether provisional or complete, and of the drawings accompanying it or referred to in it, shall be deposited in the Patent Office at the same time, and together with the specification.

(6.) A specification, whether provisional or complete, must commence with the title, must be limited to one invention, and, in the case of a complete specification, must end with a distinct statement of the invention claimed.

(7.) Where an applicant for a patent is out of the Colony at the time of making the application, he shall give to the Registrar an address for service in the Colony, and if he fails to do so the application shall not be proceeded with until the address has been given.

12. The Registrar shall examine every application in priority according to the time at which it was received at the Patent Office, in order to ascertain whether the nature of the invention has been fairly described, and the application, specification, and drawings (if any) have been prepared in the prescribed manner, and the title sufficiently indicates the subject-matter of the invention.

(i.) If he finds that the nature of the invention is not fairly described, or that the application, specification, or drawings has not or have not been prepared in the prescribed manner, or that the title does not sufficiently indicate the subject-matter of the invention, he may refuse to accept the application, or require that the application, specification, or drawings be amended before he proceeds with the application; and in the latter case the application shall, if the Registrar so directs, bear date as from the time when the requirement is complied with.

(ii.) If he finds the application and specification to be in accordance with this Act and the prescribed regulations, he shall accept the same by indorsing on the application the word "Accepted," with his signature, and the exact time of such acceptance, and shall cause the said time of acceptance to be recorded in the Patent Office.

(iii.) Where the Registrar refuses to accept an application or requires an amendment, the applicant may appeal from his decision to a Judge.

(iv.) The Judge shall be required to hear the applicant and the Registrar, or anyone appearing on behalf of either of them, and may make an order determining whether and subject to what conditions (if any) the application shall be accepted.

(v.) When an application has been accepted the Registrar shall give notice thereof to the applicant.

13. If after an application for a patent has been made, but before the patent thereon has been sealed, another application for a patent is made, accompanied by a specification bearing the same or a similar title, the Registrar, if he thinks fit, on the request of the second applicant, or of his legal representative, may, within two months of the grant of a patent on the first application, either decline to proceed with the second application or allow the surrender of the patent, if any, granted thereon.

14. If the applicant does not leave a complete specification with his application, he may leave it at any subsequent time within nine months from the date of the acceptance of the application; and unless a complete specification is left within that time the application shall be deemed to be abandoned.

15.—(1.) Where a complete specification is left after a provisional specification, the Registrar shall examine both specifications for the purpose of ascertaining whether the complete specification has been prepared in the prescribed manner, and whether the invention particularly described in the complete specification is substantially the same as that which is described in the provisional specification.

(2.) If he finds that the conditions hereinbefore contained have not been complied with, the Registrar may refuse to accept the complete specification unless and until the same shall have been amended to his satisfaction; but any such refusal shall be subject to appeal to a Judge.

(3.) The Judge shall hear the applicant and the Registrar, or any one appearing on behalf of either of them, and may make an order determining whether, and subject to what conditions (if any) the complete specification shall be accepted.

16. Unless a complete specification is accepted within twelve months from the date of the application, then (save in the case of an appeal having been lodged against the refusal to accept) the application shall, at the expiration of those twelve months, become void.

17. Where an application for a patent has been abandoned or become void, the specifications and drawings (if any) accompanying

or left in connection with such application shall not at any time be open to public inspection, or be published by the Registrar.

18. On the acceptance of the complete specification the Registrar shall give notice of such acceptance to the applicant, who shall thereupon cause such notice to be published once in the "Gazette," and twice in some newspaper published in Hobart and Launceston, and after the first publication of such notice the application and specification or specifications, with the drawings (if any), shall be open to public inspection.

19.—(1.) Any person may, at any time within two months from the date of the last advertisement of the notice of acceptance of a complete specification, give notice in writing at the Patent Office of opposition to the grant of the patent, and shall state in such notice the particular grounds of his objection.

(2.) Where notice of opposition is given, the Registrar shall give notice of the opposition to the applicant, and the person giving such notice of opposition shall, within fourteen days after giving such notice, apply to a Judge to appoint a day for hearing the opposition, and shall give notice of the hearing so appointed to the applicant; and a Judge shall, after hearing the applicant and the person so giving notice, if desirous of being heard, either in each other's presence or absence as he shall think fit, decide on the case.

(3.) The decision of the Judge, however, shall be subject to appeal to the Court, which may hear the applicant and any person so giving notice, and being, in the opinion of the Court, entitled to be heard in opposition to the grant, and shall determine whether the grant ought not to be made.

(4.) The Judge or Court, as the case may be, may make such order in relation to the costs and expenses of any hearing, or inquiry, or appeal as he or they think fit.

20. On the expiration of two months from the date of the acceptance of an application if there is no opposition, or, in case of opposition, if the determination is in favour of the grant of a patent, as soon as the decision is made or given, a patent may be granted; and at any time thereafter before the expiration of the term of provisional protection, on application in writing by the applicant or his agent, with payment of the fee thereon, the Registrar shall cause a patent to be prepared for such invention, and the Governor may direct such patent to be sealed with the seal of the Colony.

21. A patent shall be sealed as soon as may be, and not after the expiration of fifteen months from the date of the application, except in the cases hereinafter mentioned, that is to say:—

(i.) Where the sealing is delayed by an appeal to the Court, the patent may be sealed at such times as the Court may direct;

(ii.) Where the application for sealing is made before the

expiration of the term of provisional protection, but the sealing is delayed through accident and not from wilful default of the applicant, the patent may be sealed at such times as the Governor in Council may direct;

(iii.) If the person making the application dies before the expiration of the fifteen months aforesaid, the patent may be granted to his legal representative and sealed at any time within twelve months after the death of the applicant.

22. Notwithstanding anything contained in sections 14, 16, and 21, a complete specification may be left and accepted within such extended times, not exceeding one month and three months respectively after the nine and twelve months respectively mentioned in the aforesaid sections 14 and 16, as the Registrar may, on payment of the prescribed fee, allow; and where such extension of time has been allowed, a further extension of four months after the fifteen months mentioned in section 21 shall be allowed for the sealing of the patent.

Patent.

23. Every patent shall be deemed to take effect as and from the day of the acceptance of the application.

But no proceedings shall be taken in respect of an infringement committed before the publication of the complete specification.

In case of more than one application for a patent for the same invention, the sealing of a patent on one of those applications shall not prevent the sealing of a patent on an earlier application.

24. Every patent when sealed shall have effect throughout Tasmania and its dependencies.

25.—(1.) The term limited in every patent for the duration thereof shall be fourteen years from the date from which it takes effect.

(2.) But every patent shall, notwithstanding anything therein or in this Act, cease if the patentee fails to make the prescribed payments within the prescribed times.

26. Every patent shall be granted for one invention only, but may contain more than one claim; but it shall not be competent for any person in an action or other proceeding to take any objection to a patent on the ground that it comprises more than one invention.

27. Every patent shall be in the form contained in the Schedule (2), or to the like effect, and shall be made subject to the provisions of this Act, and to the conditions and restrictions that may be inserted in such patent by virtue thereof.

28. If in any case, by accident, mistake, or inadvertence, an applicant for a patent, or a patentee, fails to make any prescribed

payment within the prescribed time, he may apply, on payment of an application fee of 1*l.*, to the Registrar for an enlargement of the time for making that payment.

Thereupon the Registrar shall, if satisfied that the failure has arisen from any of the above-mentioned causes, on receipt of the prescribed fee, enlarge the time accordingly, subject to the following conditions:—

(i.) The time for making any payment shall not in any case be enlarged for more than three months;

(ii.) If any proceeding shall be taken in respect of an infringement of the patent committed after a failure to make any payment within the prescribed time, and before the enlargement thereof, the Court before which the proceeding is proposed to be taken may, if it shall think fit, refuse to award or give any damages in respect of such infringement.

Provisional Protection.

29. After the acceptance of an application for a patent in respect of an invention, the invention may, during the period between the date of the application and the date of sealing such patent, be used and published without prejudice to the patent to be granted for the same; and such protection from the consequences of use and publication is in this Act referred to as “provisional protection.”

30. During the aforesaid term of provisional protection the applicant may, by notice in writing signed by him and delivered or sent by post to the Registrar, abandon his application, and thereupon such protection shall cease.

31. After the acceptance of a complete specification, and until the date of sealing a patent in respect thereof, or the expiration of the time of sealing, the applicant shall have the like privileges and rights as if a patent for the invention had been sealed on the date of the acceptance of the complete specification.

But an applicant shall not be entitled to institute any proceeding for infringement unless and until a patent for the invention has been sealed.

32. In any case where the determination of the Registrar is not in favour of the grant of a patent, the invention for which such patent is sought shall thereupon, or upon the confirmation of such determination if appealed from, cease to be protected.

Amendment of Specification.

33.—(1.) An applicant or a patentee may, from time to time, by request in writing left at the Patent Office, seek leave to amend his

specification, including drawings forming part thereof, by way of disclaimer, correction, or explanation, stating the nature of such amendment and his reasons for the same.

(2.) Notice of the request and the nature of such proposed amendment shall be published by the applicant or patentee once in the "Gazette" and twice in some newspaper published in Hobart and Launceston; and at any time within one month from the last publication of such notice any person may give notice at the Patent Office of opposition to the amendment.

(3.) Where such notice is given the Registrar shall give notice of the opposition to the applicant or patentee, and shall hear and decide the case subject to an appeal to a Judge, who may hear the applicant or patentee and the person so giving notice, and being, in the opinion of the Judge, entitled to be heard in opposition to the request, and shall determine whether and subject to what conditions, if any, the amendment ought to be allowed.

(4.) Where no notice of opposition is given, or the person so giving notice does not appear, the Registrar shall determine whether and subject to what conditions, if any, the amendment ought to be allowed.

(5.) When leave to amend is refused by the Registrar, the person making the request may appeal from his decision to a Judge, who may hear the person making the request and the Registrar, or any person appearing on his behalf, and may make an order determining whether and subject to what conditions, if any, the amendment ought to be allowed.

(6.) No amendment shall be allowed that would make the specification, as amended, claim an invention substantially larger than or substantially different from the invention claimed by the specification as it stood before amendment.

(7.) Leave to amend shall be conclusive as to the right of the party to make the amendment allowed, except in case of fraud; and the amendment shall in all Courts and for all purposes be deemed to form part of the specification.

(8.) The foregoing provisions of this section do not apply when and so long as any action for infringement or proceeding for revocation of a patent is pending.

34. In an action for infringement of a patent, and in a proceeding for revocation of a patent, the Court or a Judge may at any time order that the patentee shall, subject to such terms as to costs and otherwise as the Court or a Judge may impose, be at liberty to apply at the Patent Office for leave to amend his specification by way of disclaimer, and may direct that in the meantime the trial or hearing of the action shall be postponed.

35. Where an amendment by way of disclaimer, correction, or

explanation has been allowed under this Act, no damages shall be given in any action in respect of the use of the invention before the disclaimer, correction, or explanation, unless the patentee establishes to the satisfaction of the Court that his original claim was framed in good faith and with reasonable skill and knowledge.

Compulsory Licences.

36. If on the petition of any person interested it is proved to the Governor in Council that by reason of the default of a patentee to grant licences on reasonable terms—

- (i.) The patent is not being worked in the Colony; or
- (ii.) The reasonable requirements of the public with respect to the invention cannot be supplied; or
- (iii.) Any person is prevented from working or using to the best advantage an invention of which he is possessed;

The Governor in Council may order the patentee to grant licences on such terms as to the amount of royalties, security for payment, or otherwise, as the Governor in Council, having regard to the nature of the invention and the circumstances of the case, may deem just, and any such order may be enforced by mandamus.

Extension of Term of Patent.

37.—(1.) A patentee may, after advertising in the "Gazette" his intention to do so, present a petition to the Governor in Council praying that his patent may be extended for a further term; but such petition must be presented at least six months before the time limited for the expiration of the patent.

(2.) Any person may enter a caveat, addressed to the Governor in Council, against the extension.

(3.) If the Governor in Council shall be pleased to refer any such petition and caveat to a Court or a Judge, the Court or a Judge shall proceed to consider the same, and the petitioner and any person who has entered a caveat shall be entitled to be heard by himself or by counsel on the petition.

(4.) The Court or Judge shall, in considering their or his decision, have regard to the nature and merits of the invention in relation to the public, to the profits made by the patentee as such, and to all the circumstances of the case.

(5.) If the Court or a Judge report that the patentee has been inadequately remunerated by his patent the Governor in Council may extend the term of the patent for a further term not exceeding seven, or in exceptional cases fourteen years; or may order the grant of a new patent for the term therein mentioned, and con-

taining any restrictions, conditions and provisions that the Court or a Judge may think fit.

Revocation.

38.—(1.) Revocation of a patent may be obtained on petition to the Court.

(2.) Every ground on which a patent might, at the commencement of this Act, be repealed, shall be available by way of defence to an action of infringement, and shall also be a ground of revocation.

(3.) A petition for revocation of a patent may be presented by—

- (i.) The Attorney-General;
- (ii.) Any person authorized by the Attorney-General;
- (iii.) Any person alleging that the patent was obtained in fraud of his rights, or of the rights of any person under or through whom he claims;
- (iv.) Any person alleging that he, or any person under or through whom he claims, was the true inventor of any invention included in the claim of the patentee;
- (v.) Any person alleging that he, or any person under or through whom he claims an interest in any trade, business, or manufacture, had publicly manufactured, used, or sold within Tasmania, before the date of the patent, anything claimed by the patentee as his invention.

(4.) The plaintiff must deliver with his petition particulars of the objections on which he means to rely, and no evidence shall, except by the leave of the Court or a Judge, be admitted in proof of any objection of which particulars are not so delivered.

(5.) Particulars delivered may be from time to time amended by leave of the Court or a Judge.

(6.) The defendant shall be entitled to begin and give evidence in support of the patent, and if the plaintiff gives evidence impeaching the validity of the patent the defendant shall be entitled to reply.

(7.) Upon any such petition the Court may make such order for expunging, vacating, or varying any entry in the register as to it may seem fit, and may make such order as to costs as it shall think fit.

(8.) Where a patent has been revoked on the ground of fraud, the Registrar may, on the application of the true inventor made in accordance with the provisions of this Act, grant to him a patent in lieu of and taking effect from the same date as the date of revocation of the patent so revoked, but the patent so granted shall

cease on the expiration of the term for which the revoked patent was granted.

Crown.

39.—(1.) A patent shall have to all intents the like effect as against Her Majesty the Queen, her heirs and successors, as it has against a subject.

(2.) But the officers or authorities administering any department of the service of the Crown or the Government of the Colony may, by themselves, their agents, contractors, and others, at any time after the application, use the invention for the services of the Crown or the Government of the Colony, on terms to be before or after the use thereof agreed on, with the approval of the Minister having the control of such department, between those officers or authorities and the patentee, or, in default of such agreement, on such terms as may be settled by such Minister after hearing all parties interested.

Legal Proceedings.

40.—(1.) In any suit or proceeding for infringement or revocation of a patent the Court or a Judge may, if they or he thinks fit, and shall, on the request of either of the parties to the proceeding, call in the aid of an Assessor, specially qualified, and try and hear the case wholly or partially with his assistance; the action shall be tried without a jury, unless the Court or a Judge shall otherwise direct.

(2.) The remuneration, if any, to be paid to an Assessor under this section shall be determined by the Court or a Judge, and be paid in the same manner as the other expenses of the execution of this Act.

41.—(1.) In any action or suit for infringement of a patent the plaintiff must deliver with his declaration or bill of complaint, or, by order of the Court or the Judge, at any subsequent time, particulars of the breaches complained of.

(2.) The defendant must deliver with his plea or answer, or, by an order of the Court or a Judge, at any subsequent time, particulars of any objections on which he relies in support thereof.

(3.) If the defendant disputes the validity of the patent, the particulars delivered by him must state on what grounds he disputes it, and, if one of those grounds is want of novelty, must state the time and place of the previous publication or user alleged by him.

(4.) At the hearing no evidence shall, except by leave of the

Court or a Judge, be admitted in proof of any alleged infringement or objection of which particulars are not so delivered.

(5.) Particulars delivered may be from time to time amended by leave of the Court or a Judge.

(6.) On taxation of costs regard shall be had to the particulars delivered by the plaintiff and by the defendant; and they respectively shall not be allowed any costs in respect of any particular delivered by them unless the same is certified by the Court or a Judge to have been proven, or to have been reasonable and proper, without regard to the general costs of the case.

42. In an action for infringement of a patent the Court or a Judge may, on the application of either party, make such order for an injunction, inspection, or account, and impose such terms and give such directions respecting the same and the proceedings thereon as the Court or a Judge may see fit.

43. In an action for infringement of a patent, the Court or a Judge may certify that the validity of the patent came in question; and if the Court or Judge so certifies, then, in any subsequent action for infringement, the plaintiff in that action, on obtaining a final order or judgment in his favour, shall have his full costs, charges, and expenses as between solicitor and client, unless the Court or Judge trying the action certifies that he ought not to have the same.

44. Where any person claiming to be the patentee of an invention, by circulars, advertisements, or otherwise, threatens any other person with any legal proceedings or liability in respect of any alleged manufacture, use, sale, or purchase of the invention, any person or persons aggrieved thereby may bring an action against him, and may obtain an injunction against the continuance of such threats and may recover such damage (if any) as may have been sustained thereby, if the alleged manufacture, use, sale, or purchase to which the threats related was not in fact an infringement of any legal rights of the person making such threats; but this section shall not apply if the person making such threats with due diligence commences and prosecutes an action for infringement of this patent.

Register of Patents.

45. — (1.) There shall be kept at the Patent Office a book called the "Register of Patents," wherein shall be entered the names and addresses of grantees of patents, notifications of assignments and of transmissions of patents, of licences under patents, and of amendments, extensions, and revocations of patents, and such other matters affecting the validity or proprietorship of patents as may from time to time be prescribed.

(2.) The register of patents shall be *primâ facie* evidence of any matters by this Act directed or authorized to be inserted therein.

(3.) Copies of deeds, licences, and any other documents affecting the proprietorship in any Letters Patent or in any licence thereunder must be supplied to the Registrar in the prescribed manner for filing in the Patent Office.

Fees.

46. There shall be paid, in respect of applications and grants of patents and other matters under this part of this Act, the fees mentioned in the Schedule (3) to this Act, or such other fees as may be from time to time prescribed by the Governor in Council; and such fees shall be paid into the Treasury and form part of the Consolidated Revenue Fund.

Miscellaneous.

47. A patent granted to the true and first inventor shall not be invalidated by an application in fraud of him, or by provisional protection obtained thereon, or by any use or publication of the invention subsequent to that fraudulent application during the period of provisional protection.

48. A patentee may assign his patent for, or grant licences for the use of the invention protected thereby, in the whole Colony or any place in or part of the Colony.

49. If a patent is lost or destroyed, or its non-production is accounted for to the satisfaction of the Registrar, the Governor in Council may at any time cause a duplicate thereof to be sealed.

50. The exhibition of an invention at any colonial, intercolonial, or international exhibition held at any place either within or beyond the Colony, and declared by the Governor in Council by notification in the "Gazette" to be an "industrial exhibition" for the purposes of this Act, or the publication of any description of the invention during the period of the holding of the exhibition, or the use of the invention for the purpose of the exhibition in the place where the exhibition is held, or the use of the invention during the period of the holding of the exhibition by any person elsewhere, without the privity or consent of the inventor, shall not prejudice the right of the inventor, or his legal personal representative, to apply for and obtain provisional protection and a patent in respect of the invention or the validity of any patent granted on the application; subject as follows, namely:—

In the case of an exhibition held at any place within the Colony—

(i.) The exhibitor must, before exhibiting the invention, give the Registrar notice of his intention to do so; and

(ii.) The application for a patent must be made before or within six months from the date of the opening of the exhibition.

In the case of an exhibition held at any place outside the Colony—

The foregoing conditions shall also apply; but the Governor in Council may exempt, either absolutely or upon such terms and conditions as he shall think fit, any exhibitor from the conditions of giving previous notice to the Registrar of his intention to exhibit.

51. The Registrar may at any time require a patentee to furnish him with a model of his invention on payment to the patentee of the cost of the manufacture of the model; the amount to be settled, in case of dispute, by the Minister.

52.—(1.) A patent shall not prevent the use of an invention for the purposes of the navigation of a foreign vessel within the jurisdiction of the Supreme Court of Tasmania, or the use of an invention in a foreign vessel within that jurisdiction, provided it is not used therein for or in connection with the manufacture or preparation of anything intended to be sold in or exported from Tasmania.

(2.) But this section shall not extend to vessels of any foreign State of which the laws authorize subjects of such foreign State, having patents or like privileges for the exclusive use or exercise of inventions within its territories, to prevent or interfere with the use of such inventions in British vessels while in the ports of such foreign State, or in the waters within the jurisdiction of its Courts, where such inventions are not so used for the manufacture or preparation of anything intended to be sold in or exported from the territories of such foreign State.

53.—(1.) Where application is made for a patent for any improvement in instruments or munitions of war, and it is made to appear to the Governor that, in the interest of the public service, the particulars of the invention and of the manner in which it is to be performed should be kept secret, pending a reference to Her Majesty's Principal Secretary of State for the War Department, the Governor may, with the consent of the inventor, direct the Registrar to place the application for such patent, with the specification or specifications, and the drawings (if any), and any amendment of the specification or specifications, and any copies of such documents and drawings, in a packet sealed by authority of the Governor, and thereupon all proceedings in relation to the granting of a patent for the said invention shall be suspended.

(2.) At the expiration of nine months from the sealing of the

said packet, or any time before such time, the Governor may direct the Registrar—

(i.) To deliver such sealed packet to any person authorized by the Governor in writing, to receive it on behalf of the Secretary of State; or

(ii.) To open it, in order that the proceedings for the grant of a patent in respect thereof may be resumed; and thereupon such proceedings shall be resumed as if there had been no interruption therein, and the interval during which the aforesaid packet was sealed shall not be reckoned as any part of the time between the application for a patent and the granting thereof.

(3.) The communication of any invention for any improvement in instruments or munitions of war to the Secretary of State, or to any person or persons authorized by him to investigate the same or the merits thereof, shall not, nor shall anything done for the purposes of the investigation, be deemed use or publication of such invention so as to prejudice the grant of any patent for the same.

(4.) No person shall be entitled to claim or to receive any compensation in respect of the granting of a patent being delayed by reason of the sealing up thereof for a time in the interest of the public service.

Existing Patents.

54.—(1.) The provisions of this Act relating to applications for patents and proceedings thereon shall have effect in respect only of applications made after the commencement of this Act.

(2.) Every patent granted before the commencement of this Act shall be subject only to the payment of such fees, and at such times, as prescribed by the law in force at the times respectively when such patents were granted.

(3.) Every patent granted after the commencement of this Act upon an application pending at the time of the said commencement shall be granted subject to the amount and time of payment of fees prescribed by this Act.

(4.) In all other respects this Act shall extend to all patents granted before the commencement of this Act, or on applications then pending, in substitution for such enactments as would have applied thereto if this Act had not been passed.

PART III.—INDUSTRIAL DESIGNS.

Registration of Designs.

55.—(1.) The Registrar may, on application by or on behalf of any person claiming to be the proprietor of any new or original

design not previously published in Tasmania, register the design under this part of this Act.

(2.) The application must be made in the form set forth in the Schedule (1) to this Act, or to the like effect, and must be left at or sent by post to the Patent Office.

(3.) The application must contain a statement of the nature of the design and the class or classes of goods in which the applicant desires that the design be registered.

(4.) The same design may be registered in more than one class.

(5.) In case of doubt as to the class in which a design ought to be registered, the Registrar may decide the question.

(6.) The Registrar may, if he thinks fit, refuse to register any design presented to him for registration, but any person aggrieved by any such refusal may appeal therefrom to the Court or a Judge, who may hear the applicant and the Registrar, and may make an order determining whether, and subject to what conditions, if any, registration is to be permitted.

(7.) Where an applicant for the registration of a design is out of the Colony at the time of making the application, he shall give to the Registrar an address for service in the Colony, and if he fails to do so the application shall not be proceeded with until the address has been given.

56.—(1.) On application for registration of a design the applicant shall furnish to the Registrar the prescribed number of copies of drawings, photographs, or tracings of the design sufficient, in the opinion of the Registrar, for enabling him to identify the design; or the applicant may, instead of such copies, furnish exact representations or specimens of the design.

(2.) The Registrar may, if he thinks fit, refuse any drawing, photograph, tracing, representation, or specimen which is not in his opinion suitable for the official records.

57.—(1.) The Registrar shall grant a certificate of registration to the proprietor of the design when registered.

(2.) The Registrar may, in case of loss of the original certificate, or in any other case in which he deems it expedient, grant a copy or copies of the certificate.

Copyright in Designs.

58.—(1.) When a design is registered, the registered proprietor of the design shall, subject to the provisions of this Act, have copyright in the design during five years from the date of registration.

(2.) Before delivery on sale of any articles to which a registered design has been applied, the proprietor must, if exact representations or specimens were not furnished on the application for regis-

tration, furnish to the Registrar the prescribed number of exact representations or specimens of the design, and if he fails to do so the Registrar may erase his name from the Register, and thereupon his copyright in the design shall cease.

59. Before delivery on sale of any articles to which a registered design has been applied the proprietor of the design shall cause each such article to be marked with the prescribed mark, or with the prescribed word or words or figures, denoting that the design is registered; and if he fails to do so the copyright in the design shall cease, unless the proprietor shows that he took all proper steps to insure the marking of the article.

60.—(1.) During the existence of copyright in a design the design shall not be open to inspection except by the proprietor, or a person authorised in writing by the proprietor, or a person authorised by the Registrar or by the Court or a Judge, and furnishing such information as may enable the Registrar to identify the design, nor except in the presence of the Registrar, or of an officer acting under him, nor except on payment of the prescribed fee; and the person making the inspection shall not be entitled to take any copy of the design, or of any part thereof.

But where registration of a design is refused on the ground of identity with a design already registered, the applicant for registration shall be entitled to inspect the design so registered.

(2.) When the copyright in a design has ceased the design shall be open to inspection, and copies thereof may be taken by any person on payment of the prescribed fee.

61. On the request of any person producing a particular design, together with its mark of registration, or producing only its mark of registration, or furnishing such information as may enable the Registrar to identify the design, and on payment of the prescribed fee, it shall be the duty of the Registrar to inform such person whether the registration still exists in respect of such design, and if so, in respect of what class or classes of goods, and stating also the date of registration and the name and address of the registered proprietor.

62. If a registered design is used in manufacture in any foreign country and is not used in this country within six months of its registration in this country, the copyright in the design shall cease.

Register of Designs.

63.—(1.) There shall be kept at the Patent Office a book called the “Register of Designs,” wherein shall be entered the names and addresses of proprietors of registered designs, notifications of assign-

ments, and of transmissions of registered designs, and such other matters as may from time to time be prescribed.

(2.) The Register of Designs shall be *prima facie* evidence of any matters by this Act directed or authorized to be entered therein.

Fees.

64. There shall be paid in respect of applications and registration and other matters under this part of this Act the fees mentioned in the Schedule (3) to this Act, or such other fees as may be from time to time prescribed by the Governor in Council; and such fees shall be paid into the Treasury and form part of the Consolidated Revenue Fund.

Exhibitions.

65. The exhibition at any colonial, intercolonial, or international exhibition held at any place within or beyond the Colony, and declared by the Governor in Council, by notification in the "Gazette," to be an "industrial exhibition" for the purposes of this Act, or the exhibition elsewhere during the period of the holding of the exhibition, without the privity or consent of the proprietor, of a design, or of any article to which a design is applied, or the publication, during the holding of any such exhibition, of a description of a design, shall not prevent the design from being registered, or invalidate the registration thereof, subject as follows, namely:—

In the case of an exhibition held at any place within the Colony,—

(i.) The exhibitor must, before exhibiting the design or article, or publishing a description of the design, give the Registrar notice of his intention to do so; and

(ii.) The application for registration must be made before or within six months from the date of the opening of the exhibition.

In the case of an exhibition held at any place beyond the Colony,—

The foregoing conditions shall also apply, but the Governor in Council may exempt, either absolutely or upon such terms and conditions as he shall think fit, any exhibitor from the condition of giving previous notice to the Registrar of his intention to exhibit.

Legal Proceedings.

66. During the existence of copyright in any design,—

(i.) It shall not be lawful for any person without the licence or written consent of the registered proprietor to apply, or cause to be applied, such design or any fraudulent or obvious imitation thereof,

in the class or classes of goods in which such design is registered, for purposes of sale to any article of manufacture or to any substance artificial or natural or partly artificial and partly natural; and

(ii.) It shall not be lawful for any person to publish or expose for sale any article of manufacture or any substance to which such design or any fraudulent or obvious imitation thereof is so applied, knowing that the same has been so applied without the consent of the registered proprietor.

Any person who acts in contravention of this Section is liable for every offence to forfeit a sum not exceeding 50*l.* to the registered proprietor of the design, who may recover such sum as a simple contract debt by action in any Court of competent jurisdiction.

Provided that the total sum forfeited in respect of any one design shall not exceed 100*l.*

67. Notwithstanding the remedy given by this Act for the recovery of such penalty as aforesaid, the registered proprietor of any design may, if he elects to do so, bring an action for the recovery of any damages arising from the application of any such design, or of any fraudulent or obvious imitation thereof for the purpose of sale, to any article of manufacture or substance, or from the publication, sale or exposure for sale by any person of any article or substance to which such design or any fraudulent or obvious imitation thereof is so applied, such person knowing that the proprietor had not given his consent to such application.

68. The author of any new and original design shall be considered the proprietor thereof, unless he executed the work on behalf of another person for a good or valuable consideration, in which case such person shall be considered the proprietor; and every person acquiring for a good or valuable consideration a new and original design, or the right to apply the same to any such article or substance as aforesaid, either exclusively of any other person or otherwise, and also every person on whom the property in such design or such right to the application thereof shall devolve, shall be considered the proprietor of the design in the respect in which the same may have been so acquired, and to that extent, but not otherwise.

PART IV.—TRADE-MARKS.

Registration of Trade-marks.

69.—(1.) The Registrar may, on application by or on behalf of any person claiming to be the proprietor of a trade-mark, register the trade-mark.

(2.) The application must be made in the form set forth in the Schedule (2) to this Act, or in such other form as may be from time to time prescribed, and must be left at, or sent by post to, the Patent Office in such manner as may be prescribed.

(3.) The application must be accompanied by not less than two representations of the trade-mark, or such other number thereof as may be prescribed from time to time, and must state the particular goods or classes of goods in connection with which the applicant desires the trade-mark to be registered.

(4.) The Registrar may, if he thinks fit, refuse to register a trade-mark, but any such refusal shall be subject to appeal to the Court or a Judge, who may hear the applicant and the Registrar, and may make an Order determining whether, and subject to what conditions, if any, registration is to be permitted.

(5.) Where an applicant for the registration of a trade-mark is out of the Colony at the time of making the application, he shall give the Registrar an address for service in the Colony, and if he fails to do so the application shall not be proceeded with until the address has been given.

70. Where registration of a trade-mark has not been or shall not be completed within twelve months from the date of the application, by reason of default on the part of the applicant, the Registrar shall give notice of the non-completion to the applicant or his agent; and if at the expiration of fourteen days from that notice, or such further time as the Registrar may in special cases permit, the registration is not completed, the application shall be deemed to be abandoned.

71.—(1.) For the purposes of this Act a trade-mark must consist of or contain at least one of the following essential particulars:—

(i.) A name of an individual or firm printed, impressed, or woven in some particular and distinctive manner; or

(ii.) A written signature or copy of a written signature of the individual or firm applying for registration thereof as a trade-mark; or

(iii.) A distinctive device, mark, brand, heading, label, or ticket; or

(iv.) An invented word or invented words; or

(v.) A word or words having no reference to the character or quality of the goods, and not being a geographical name.

(2.) There may be added to any one or more of the essential particulars mentioned in this section any letters, words, or figures, or combination of letters, words, or figures, or of any of them; but the applicant for registration of any such additional matter must state in his application the essential particulars of the trade-mark,

and must disclaim in his application any right to the exclusive use of the added matter, and a copy of the statement and disclaimer shall be added on the Register.

(3.) Provided as follows :—

(i.) A person need not under this section disclaim his own name or the foreign equivalent thereof, or his place of business, but no entry of any such name shall affect the right of any owner of the same name to use that name or the foreign equivalent thereof;

(ii.) Any special and distinctive word or words, letter, figure, or combination of letters or figures, or of letters and figures, used as a trade-mark before the commencement of this Act, may be registered as a trade-mark under this Part of this Act.

72. A trade-mark must be registered for particular goods or classes of goods.

73. No trade-mark shall be registered for artificial manures manufactured in the Colony unless accompanied by a chemical analysis setting forth the component parts of the substance of such manure.

Every such analysis shall be in writing made by a competent analytical chemist, and signed by him, stating after the signature his qualifications as such chemist, and his signature thereto shall be attested by at least one witness.

A copy of the said analysis shall, before sale or exportation, be indorsed on or affixed to every bag, box, or other parcel of the manure to which such trade-mark is attached, and shall be deemed to form part of such trade-mark.

Any person who sells, or who offers for sale, any artificial manure in any box, bag, or other parcel which has endorsed thereon or affixed thereto a copy of any analysis of a quality inferior to such analysis, shall for every such offence forfeit and pay a penalty not exceeding 50*l*.

74. When a person claiming to be the proprietor of several trade-marks which, while resembling each other in the material particulars thereof, yet differ in respect of (a) the statement of the goods for which they are respectively used or proposed to be used, or (b) statements of numbers, or (c) statements of price, or (d) statements of quality, or (e) statements of names of places, seeks to register such trade-marks, they may be registered as a series in one registration. A series of trade-marks shall be assignable and transmissible only as a whole, but for all other purposes each of the trade-marks composing a series shall be deemed and treated as registered separately.

75. A trade-mark may be registered in any colour or colours, and such registration shall, subject to the provisions of this Act,

confer on the registered owner the exclusive right to use the same in that or any other colour or colours.

76. Every application for registration of a trade-mark under this Part of this Act shall, as soon as may be after its receipt, be advertised by the Registrar in the "Gazette," unless the Registrar refuse to entertain the application.

77.—(1.) Any person may, within one month, or such further time, not exceeding three months, as the Registrar may allow, of the advertisement of the application, give notice in duplicate at the Patent Office of opposition to the registration of the trade-mark, and the Registrar shall send one copy of such notice to the applicant.

(2.) Within one month after receipt of such notice, or such further time, not exceeding three months, as the Registrar may allow, the applicant may send to the Registrar a counter-statement in duplicate of the grounds on which he relies for his application, and if he does not do so shall be deemed to have abandoned his application.

(3.) If the applicant sends such counter-statement the Registrar shall furnish a copy thereof to the person who gave notice of opposition, and shall, after hearing the applicant and the opponent, if so required, decide whether the trade-mark is to be registered, but his decision shall be subject to appeal to the Court or a Judge, who shall hear the appeal, and after hearing the applicant and the opponent, and the Registrar, may make an Order determining whether, and subject to what conditions (if any), registration is to be permitted.

(4.) If the applicant abandons his application after notice of opposition in pursuance of this section, he shall be liable to pay to the opponent such costs in respect of the opposition as the Registrar may determine to be reasonable.

(5.) When the opponent is out of the Colony, he shall give the Registrar an address for service in the Colony.

78. A trade-mark, when registered, shall be assigned and transmitted only in connection with the good-will of the business concerned in the particular goods or classes of goods for which it has been registered, and shall be determinable with that good-will.

79. Where each of several persons claims to be registered as proprietor of the same trade-mark, the Registrar may refuse to register any of them until their rights have been determined according to law, and the Registrar may himself submit or require the claimants to submit their rights to the Court or a Judge.

80.—(1.) Except where the Court or a Judge has decided that two or more persons are entitled to be registered as proprietors of the same trade-mark, the Registrar shall not register in respect of

the same goods or description of goods a trade-mark identical with one already on the Register with respect to such goods or description of goods.

(2.) Except as aforesaid, the Registrar shall not register with respect to the same goods or description of goods a trade-mark having such resemblance to a trade mark already on the Register with respect to such goods or description of goods as to be calculated to deceive.

81. It shall not be lawful to register as part of or in combination with a trade-mark any words the use of which would, by reason of their being calculated to deceive or otherwise, be deemed disentitled to protection in a Court of Justice, or any scandalous design.

82.—(1.) Nothing in this Act shall be construed to prevent the Registrar entering on the Register in the prescribed manner, and subject to the prescribed conditions, as an addition to any trade-mark,—

(i.) In the case of an application for registration of a trade-mark used before the commencement of this Act,—

Any distinctive device, mark, brand, heading, label, ticket, letter, word, or figure, or combination of letters, words, or figures, though the same is common to the trade in the goods with respect to which the application is made ;

(ii.) In the case of an application for registration of a trade-mark not used before the commencement of this Act,—

Any distinctive word or combination of words, though the same is common to the trade in the goods with respect to which the application is made.

(2.) The applicant for registration of any such addition must, however, state in his application the essential particulars of the trade-mark, and must disclaim in his application any right to the exclusive use of the added matter, and a copy of the statement and disclaimer shall be entered on the Register.

But a person need not under this section disclaim his name, or the foreign equivalent thereof, or his place of business, but no entry of any such name shall affect the right of any owner of the same name to use that name, or the foreign equivalent thereof.

(3.) Any device, mark, brand, heading, label, ticket, letter, word, figure, or combination of letters, words, or figures, which was or were before the commencement of this Act publicly used by more than three persons on the same or a similar description of goods shall, for the purposes of this section, be deemed common to the trade in such goods.

Effect of Registration.

83. Application for registration of a trade-mark shall be deemed to be equivalent to public use of the trade-mark, and the date of the application shall for the purposes of this Act be deemed to be the date of registration.

84. The registration of a person as proprietor of a trade-mark shall be *primâ facie* evidence of his right to the exclusive use of the trade-mark, and shall, after the expiration of five years from the date of the registration, be conclusive evidence of his right to the exclusive use of the trade-mark, subject to the provisions of this Act.

85.—(1.) A person shall not be entitled to institute any proceeding to prevent or to recover damages for the infringement of a trade-mark unless, in the case of a trade-mark capable of being registered under this Act, it has been registered in pursuance of this Act, or of an enactment repealed by this Act, or, in the case of any other trade-mark in use before the commencement of this Act, registration thereof under this Part of this Act, or of an enactment repealed by this Act, has been refused. The Registrar may, on request, and on payment of the prescribed fee, grant a certificate that such registration has been refused.

(2.) In an action for infringement of a registered trade-mark the Court or a Judge may certify that the right to the exclusive use of the trade-mark came in question, and if the Court or a Judge so certifies, then in any subsequent action for infringement the plaintiff in that action, on obtaining a final order or judgment in his favour, shall have his full costs, charges, and expenses, as between solicitor and client, unless the Court or Judge trying such subsequent action certifies that he ought not to have the same.

Register of Trade-marks.

86. There shall be kept at the Patent Office a book called the "Register of Trade-Marks," wherein shall be entered the names and addresses of proprietors of registered trade-marks, notifications of assignments and of transmissions of trade-marks, and such other matters as may be from time to time prescribed.

The Registrar shall grant a certificate of registration to the applicant for the registration of a trade-mark, when registered, without further fee than the registration fee.

A copy or duplicate of any such certificate may be issued by the Registrar from time to time to any person applying for the same, on payment of the prescribed fee.

87.—(1.) At a time, not being less than two months nor more

than three months before the expiration of fourteen years from the date of the registration of a trade-mark, the Registrar shall send notice to the registered proprietor that the trade-mark will be removed from the Register unless the proprietor pays to the Registrar before the expiration of such fourteen years (naming the date at which the same will expire) the prescribed fee; and if such fee be not previously paid he shall, at the expiration of one month from the date of the giving of the first notice, send a second notice to the same effect.

(2.) If such fee be not paid before the expiration of such fourteen years, the Registrar may, after the end of three months from the expiration of such fourteen years, remove the trade-mark from the Register, and so from time to time at the expiration of every period of fourteen years.

(3.) If before the expiration of the said three months the registered proprietor pays the said fee together with the additional prescribed fee, the Registrar may, without removing such trade-mark from the Register, accept the said fee as if it had been paid before the expiration of the said fourteen years.

(4.) Where after the said three months a trade-mark has been removed from the Register for non-payment of the prescribed fee, the Registrar may, if satisfied that it is just so to do, restore such trade-mark to the Register on payment of the prescribed additional fee.

(5.) Where a trade-mark has been removed from the Register for non-payment of the fee or otherwise, such trade-mark shall nevertheless, for the purpose of any application for registration during one year next after the date of such removal, be deemed to be a trade-mark which is already registered, unless it is shown to the satisfaction of the Registrar that the non-payment of the fee arises from the death or bankruptcy of the registered proprietor, or from his having ceased to carry on business, and no person claiming under that proprietor or under his bankruptcy is using the trade-mark.

Existing Trade-marks.

88. All trade-marks duly registered under any Act hereby repealed shall be deemed to be registered under this Act as from the day of the commencement thereof, without prejudice however to the order of priority in which they were respectively registered, and shall be renewed before the expiration of fourteen years from the aforesaid commencement, in accordance with the provisions of the last-preceding section, and subject to the same notices and the payment of the same fees as in the said section mentioned.

Fees. -

89. There shall be paid in respect of applications, registration, and renewals of trade-marks and other matters under this Part of the Act the fees mentioned in the Schedule (3) to this Act, or such other fees in respect thereof as may be from time to time prescribed by the Governor in Council; and such fees shall be paid into the Treasury and form part of the Consolidated Revenue Fund.

Offences and Legal Proceedings.

90.—(1.) Every person who—

- (i.) Forges any trade-mark; or
- (ii.) Falsely applies to goods any trade-mark or any mark so nearly resembling a trade-mark as to be calculated to deceive; or
- (iii.) Makes any die, block, or machine, or other instrument for the purpose of forging, or of being used for forging, a trade-mark; or
- (iv.) Applies any false trade description to goods; or
- (v.) Disposes of or has in his possession any die, block, machine, or other instrument for the purpose of forging a trade-mark; or
- (vi.) Falsely represents that the goods offered for sale have been manufactured or made in the Colony; or
- (vii.) Applies or uses the word “colonial,” or any similar word or words, to any goods not manufactured in the Colony; or
- (viii.) Uses any word, mark, or sign tending to mislead any person as to the real or actual manufacturer or maker of goods, or the place where such goods have been made or manufactured; or
- (ix.) Causes any of the things above in this section mentioned to be done,

Shall, subject to the provisions of this Act, and unless he proves that he acted without intent to defraud, be guilty of an offence against this Act.

(2.) Every person who sells, or exposes for or has in his possession for sale, for any purpose of trade or manufacture, any goods or things to which any forged trade-mark or false trade description is applied, or to which any trade-mark or mark so nearly resembling a trade-mark as to be calculated to deceive is falsely applied, as the case may be, shall, unless he proves—

- (i.) That, having taken all reasonable precautions against committing an offence against this Act, he had at the time of the commission of the alleged offence no reason to suspect the genuineness of the trade-mark, mark, or trade description; and
- (ii.) That, on demand made by or on behalf of the prosecutor, he

gave all the information in his power with respect to the persons from whom he obtained such goods or things ; or

(iii.) That otherwise he had acted innocently,
Be guilty of an offence against this Act.

(3.) Every person guilty of an offence against this Part of this Act is liable—

(i.) On conviction before the Supreme Court, to imprisonment, with or without hard labour, for a term not exceeding two years, or to fine, or to both imprisonment and fine ; and

(ii.) On summary conviction before Justices, to imprisonment, with or without hard labour, for a term not exceeding four months, or to a fine not exceeding 20*l.*, and in the case of a second or subsequent conviction to imprisonment, with or without hard labour, for a term not exceeding six months, or to a penalty not exceeding 50*l.* ; and

(iii.) In any case to forfeit to Her Majesty every chattel, article, instrument, or thing by means of or in relation to which the offence has been committed.

(4.) The Court or Justices before whom any person is convicted under this section may order any forfeited articles to be destroyed or otherwise disposed of as the Court or such Justices think fit ; and if sold the proceeds of the sale shall be applied in the like manner as if the proceeds were a penalty incurred under this Act.

(5.) If any person feels aggrieved by any conviction made by any Justices he may appeal therefrom in manner as provided by “The Appeals Regulation Act.”

(6.) Any person charged with an offence under this section before any Justices shall, on appearing before such Justices, and before the charge is gone into, be informed of his right to be tried in the Supreme Court, and, if such person so requires, such Justices shall, instead of summarily adjudicating upon such charge, deal with the case in manner provided by “The Magistrates Criminal Procedure Act.”

Patents, Designs, and Trade-marks.

91.—(1.) For the purposes of this Part of this Act,—

The expression “trade description” means any description, statement, or other indication, direct or indirect,—

(i.) As to the number, quantity, measure, gauge, or weight of any goods ; or

(ii.) As to the place or country in which any goods were made or produced ; or

(iii.) As to the mode of manufacturing or producing any goods ;
or

(iv.) As to the material of which any goods are composed; or

(v.) As to any goods, being the subject of an existing patent, privilege, or copyright.

And the use of any figure, word, or mark which, according to the custom of the trade, is commonly taken to be an indication of any of the above matters, shall be deemed to be a trade description within the meaning of this Act.

The expression "false trade description" means a trade description which is false in a material respect as regards the goods to which it is applied, and includes every alteration of a trade description, whether by way of addition, effacement, or otherwise, where that alteration makes the description false in a material respect; and the fact that a trade description is a trade-mark, or part of a trade-mark, shall not prevent such trade description being a false trade description within the meaning of this Act.

The expression "goods" means anything which is the subject of trade, manufacture, or merchandise.

The expressions "persons," "manufacturer, dealer, or trader," and "proprietor" include any body of persons corporate or unincorporate.

The expression "name" includes any abbreviation of a name.

(2.) The provisions of this Act respecting the application of a false trade description to goods shall extend to the application to goods of any such figures, words, or marks, or arrangement or combination thereof, whether including a trade-mark or not, as are reasonably calculated to lead persons to believe that the goods are the manufacture or merchandise of some person other than the person whose manufacture or merchandise they really are.

(3.) The provisions of this Act respecting the application of a false trade description to goods, or respecting goods to which a false trade description is applied, shall extend to the application to goods of any false name or initials of a person, and to goods with the false name or initials of a person applied, in like manner as if such name or initials were a trade description; and for the purpose of this enactment the expression "false name or initials" means, as applied to any goods, any name or initials of a person which—

(i.) Are not a trade-mark, or part of a trade-mark; and

(ii.) Are identical with, or a colourable imitation of, the name or initials of a person carrying on business in connection with goods of the same description, and not having authorised the use of such name or initials; and

(iii.) Are either those of a fictitious person or of some person not *bonâ fide* carrying on business in connection with such goods.

92. A person shall be deemed to forge a trade-mark who either—

(i.) Without the assent of the proprietor of the trade-mark makes that trade-mark or a mark so nearly resembling that trade-mark as to be calculated to deceive ; or

(ii.) Falsifies any genuine trade-mark or part of a trade-mark, whether by alteration, addition, effacement, or otherwise of the trade-mark or part of the trade-mark :

And any trade-mark, or mark so made or falsified, is in this Act referred to as a forged trade-mark.

In any prosecution for forging a trade-mark the burden of proving the assent of the proprietor shall lie on the defendant.

93.—(1.) A person shall be deemed to apply a trade-mark, or mark, or trade description to goods who fraudulently—

(i.) Applies it to the goods themselves ; or

(ii.) Applies it to any covering, label, reel, or other thing in or with which the goods are sold or exposed or had in possession for any purpose of sale, trade, or manufacture ; or

(iii.) Places, encloses, or annexes any goods which are sold or exposed or had in possession for any purpose of sale, trade, or manufacture, in, with, or to any covering, label, reel, or other thing to which a trade-mark or trade description has been applied ; or

(iv.) Uses a trade-mark, or mark, or trade description in any manner calculated to lead to the belief that the goods in connection with which it is used are designated or described by that trade mark, or mark, or trade description.

(2.) The expression “covering” includes any stopper, cask, bottle, vessel, box, cover, capsule, case, frame, or wrapper ; and the expression “label” includes any band or ticket.

A trade-mark, or mark, or trade description shall be deemed to be applied whether it is woven, impressed, or otherwise worked into, or annexed or affixed to the goods, or to any covering, label, reel, or other thing.

(3.) A person shall be deemed to falsely apply to goods a trade-mark, or mark, who without the assent of the proprietor of a trade-mark applies such trade-mark, or a mark so nearly resembling it as to be calculated to deceive ; but in any prosecution for falsely applying a trade-mark, or mark, to goods, the burden of proving the assent of the proprietor shall lie on the defendant.

94. Where a defendant is charged with making any die, block, machine, or other instrument for the purpose of forging, or being used for forging, a trade-mark, or with falsely applying to goods any trade-mark, or any mark so nearly resembling a trade-mark as to be calculated to deceive, or with applying to goods any false trade description, or causing any of the things in this section mentioned to be done, and proves—

(i.) That in the ordinary course of his business he is employed, on behalf of other persons, to make dies, blocks, machines, or other instruments for making, or being used in making, trade-marks, or as the case may be, to apply marks or descriptions to goods, and that in the case which is the subject of the charge he was so employed by some person resident in the Colony, and was not interested in the goods by way of profit or commission dependent on the sale of such goods; and

(ii.) That he took reasonable precautions against committing the offence charged; and

(iii.) That he had at the time of the commission of the alleged offence no reason to suspect the genuineness of the trade-mark, mark, or trade description; and

(iv.) That he gave to the prosecutor all the information in his power with respect to the persons on whose behalf the trade-mark, mark, or description was applied,

He shall be discharged from the prosecution, but shall be liable to pay the costs incurred by the prosecutor, unless he has given due notice to him that he will rely on the above defence.

95. Where a watch-case has thereon any words or marks which constitute, or are by common repute considered as constituting, a description of the country in which the watch was made, and the watch bears no description of the country where it was made, those words or marks shall *prima facie* be deemed to be a description of that country within the meaning of this Act, and the provisions of this Act with respect to goods to which a false trade description has been applied, and with respect to selling or exposing for or having in possession for sale, or any purpose of trade or manufacture, goods with a false trade description, shall apply accordingly: and for the purposes of this section the expression "watch" means all that portion of a watch which is not the watch-case.

96. In any information, pleading, proceeding, or document in which any trade-mark or forged trade-mark is intended to be mentioned it shall be sufficient, without further description and without any copy or facsimile, to state that trade-mark or forged trade-mark to be a trade-mark or forged trade-mark.

97. In any prosecution for an offence against this Part of this Act—

(1.) A defendant, and his wife or her husband, as the case may be, may, if the defendant thinks fit, be called as a witness, and, if called, shall be sworn and examined, and may be cross-examined and re-examined in like manner as any other witness, anything contained in the Act of Parliament 52 Victoria, No. 7, to the contrary notwithstanding.

(2.) In the case of imported goods, evidence of the port of shipment shall be *prima facie* evidence of the place or country in which the goods were made or produced.

98. Every person who, being within the Colony, procures, counsels, aids, abets, or is accessory to the commission, without the Colony, of any act which, if committed in the Colony, would under this Act be a misdemeanour, shall be guilty of that misdemeanour as a principal, and be liable to be indicted, proceeded against, tried, and convicted in any place in the Colony in which he may be, as if the misdemeanour had been there committed.

99.—(1.) Where, upon information of an offence against this Part of this Act, a Justice of the Peace has issued either a summons requiring the defendant charged by such information to appear to answer the same or a warrant for the arrest of such defendant, and either the said Justice on or after issuing the summons or warrant, or any other Justice, is satisfied by information on oath that there is reasonable cause to suspect that any goods or things by means of or in relation to which such offence has been committed are in any house or premises of the defendant, or otherwise in his possession or under his control in any place, such Justice may issue a warrant under his hand by virtue of which it shall be lawful for any constable named or referred to in the warrant to enter such house, premises, or place at any reasonable time by day, and to search there for and seize and take away those goods or things: and any goods or things seized under any such warrant shall be brought before any two Justices of the Peace for the purpose of its being determined whether the same are or are not liable to forfeiture under this Act.

(2.) If the owner of any goods or things which, if the owner thereof had been convicted, would be liable to forfeiture under this Act is unknown or cannot be found, an information or complaint may be laid for the purpose only of enforcing such forfeiture; and any Justice of the Peace may cause notice to be advertised stating that, unless cause is shown to the contrary at the time and place named in the notice, such goods or things will be forfeited, and at such time and place any two Justices of the Peace, unless the owner or any person on his behalf, or other person interested in the goods or things, shows cause to the contrary, may order such goods or things, or any of them, to be forfeited.

(3.) Any goods or things forfeited under this section, or under any other provision of this Part of this Act, may be destroyed or otherwise disposed of in such manner as the Justices by whom the same are forfeited may direct, and such Justices may, out of any proceeds which may be realised by the disposition of such goods (all trade-marks and trade descriptions being first obliterated),

award to any innocent party any loss he may have innocently sustained in dealing with such goods.

100. On any prosecution under this Part of this Act the Court may order costs to be paid to the defendant by the prosecutor, or to the prosecutor by the defendant, having regard to the information given by and the conduct of the defendant and prosecutor respectively.

101. No prosecution for an offence against this Part of this Act shall be commenced after the expiration of three years next after the commission of the offence, or one year next after the first discovery thereof by the prosecutor, whichever expiration first happens.

The provisions contained in Section 11 of "The Magistrates Summary Procedure Act" shall not apply to any proceedings under this Act.

102. On the sale or in the contract for the sale of any goods to which a trade-mark, or mark, or trade description has been applied, the vendor shall be deemed to warrant that the mark is a genuine trade-mark and not forged or falsely applied, or that the trade description is not a false trade description within the meaning of this Act, unless the contrary is expressed in some writing signed by or on behalf of the vendor and delivered at the time of the sale or contract to and accepted by the vendee.

103. Where, at the commencement of this Act, a trade description is lawfully and generally applied to goods of a particular class, or manufactured by a particular method, to indicate the particular class or method of manufacture of such goods, the provisions of this Act with respect to false trade descriptions shall not apply to such trade description when so applied.

But where such trade description includes the name of a place or country, and is calculated to mislead as to the place or country where the goods to which it is applied were actually made or produced, and the goods are not actually made or produced in that place or country, this section shall not apply unless there is added to the trade description, immediately before or after the name of that place or country, in an equally conspicuous manner with that name, the name of the place or country, or if a Colony the name of the particular Colony, in which the goods and the material or substance thereof were actually made or produced, with a statement that they were made or produced there.

104. Whereas it is expedient to make further provision for prohibiting the importation of goods which if sold would be liable to forfeiture under this part of this Act:

Be it therefore enacted as follows:—

(i.) All such goods, and also all goods manufactured outside

Tasmania bearing any name or trade-mark being or purporting to be the name or trade-mark of any manufacturer, dealer, or trader in Tasmania, unless such name or trade-mark is accompanied by a definite indication of the country in which the goods were made or produced, are hereby prohibited to be imported into this Colony, and, subject to the provisions of this section, shall be included among goods prohibited to be imported as if they were specified in section 23 of "The Customs Act."

(ii.) Where there is on any goods a name which is identical with, or colourable imitation of, the name of a place in Tasmania, that name, unless accompanied by the name of the country in which such place is situate, shall be treated for the purposes of this section as if it were the name of a place in Tasmania.

(iii.) Before detaining any such goods, or taking any further proceedings with a view to the forfeiture thereof under "The Customs Act," the Treasurer of the Colony may require the Regulations under this section, whether as to information, security, conditions, or other matters, to be complied with, and may satisfy himself, in accordance with those Regulations, that the goods are such as are prohibited by this section to be imported.

(iv.) The Governor in Council may from time to time make, revoke, and vary Regulations, either general or special, respecting the detention and forfeiture of goods the importation of which is prohibited by this section, and the conditions, if any, to be fulfilled before such detention and forfeiture, and may by such Regulations determine the information, notices, and security to be given, and the evidence requisite for any of the purposes of this section, and the mode of verification of such evidence.

(v.) Such Regulations may apply to all goods the importation of which is prohibited by this section, or different Regulations may be made respecting different classes of such goods or of offences in relation to such goods.

(vi.) The Regulations may provide for the informant reimbursing the said Treasurer all expenses and damages incurred in respect of any detention made on his information, and of any proceedings consequent on such detention.

(vii.) All Regulations under this section shall be published in the "Gazette."

(viii.) This section shall have effect as if it were part of "The Customs Act."

105.—(1.) This Part of this Act shall not exempt any person from any action, suit, or other proceeding which might, but for the provisions of this Part of this Act, be brought against him.

(2.) Nothing in this Part of this Act shall entitle any person to refuse to make a complete discovery or to answer any question or

interrogatory in any action, but such discovery or answer shall not be admissible in evidence against such person in any prosecution for an offence against this Act.

(3.) Nothing in this Part of this Act shall be construed so as to render liable to any prosecution or punishment any servant of a master resident in the Colony who *bonâ fide* acts in obedience to the instructions of such master, and, on demand made by or on behalf of the prosecutor, has given full information as to his master.

PART V.—INTERNATIONAL AND INTERCOLONIAL ARRANGEMENTS.

106.—(1.) If Her Majesty is pleased, by Order in Council, to apply the provisions of Section 103 of the Imperial Act called “The Patents, Designs, and Trade Marks Act, 1883,”* to the Colony of Tasmania, then any person who has applied for any protection for any invention, design, or trade-mark, in England or in any foreign State, with the Government of which Her Majesty has made an arrangement under the said section for mutual protection of inventions, designs, or trade-marks, or any of them, shall be entitled to a patent for his invention, or to registration of his design or trade-mark, as the case may be, under this Act, in priority to other applicants; and such patent or registration shall take effect from the same date as the date of the application in England or such foreign State, as the case may be:

Provided that his application is made, in the case of a patent, within twelve months, and in the case of a design or trade-mark, within six months, from his applying for protection in England or the foreign State with which the arrangement is in force.

Nothing in this section contained shall entitle the patentee or proprietor of the design or trade-mark to recover damages for infringements happening prior to the date of the actual acceptance of his specifications, or the actual registration of his design or trade-mark in this Colony, as the case may be.

(2.) The publication in Tasmania, during the respective periods aforesaid, of any description of the invention, or the use therein during such periods of the invention, or the exhibition or use therein during such periods of the design, or the publication therein during such periods of a description or representation of the design, or the use therein during such periods of the trade-mark, shall not invalidate the patent which may be granted for the invention or the registration of the design or trade-mark.

(3.) The application for the grant of a patent for the registration of a design, or the registration of a trade-mark under this section, must be made in the same manner as an ordinary applica-

* Vol. LXXIV, page 211.

tion under this Act; but in the case of trade-marks, any trade-mark the registration of which has been duly applied for in the country of origin may be registered under this Act.

(4.) The provisions of this section shall, in the case of foreign States, apply only in the case of those foreign States with respect to which Her Majesty shall from time to time, by Order in Council, declare the provisions of the aforesaid section of the said Imperial Act to be applicable, and so long only in the case of each State as the Order in Council shall continue in force with respect to that State.

107.—(1.) Where it is made to appear to the Governor in Council that the Legislature of any British possession other than Tasmania has made satisfactory provision for the protection of inventions, designs, and trade-marks, or any of them, patented or registered in Tasmania, the Governor in Council may from time to time by Order apply all or any of the provisions of the last preceding section relating to the protection of inventions, designs, and trade-marks patented or registered in England, with such variations or additions, if any, as to the Governor in Council may seem fit, to inventions, designs, and trade-marks, or any of them, patented or registered in such British possession.

(2.) An Order made by the Governor in Council under this section shall, from a date to be mentioned for the purpose in the Order, take effect as if its provisions had been contained in this Act; but the Governor in Council may at any time revoke any such Order.

PART VI.—GENERAL.

Proceedings at Patent Office.

108. There shall be a seal for the Patent Office, and impressions thereof shall be judicially noticed and admitted in evidence.

109. There shall not be entered in any Register kept under this Act, or be receivable by the Registrar, any notice of any trust expressed, implied, or constructive.

110. The Registrar may refuse to receive an application for, or to grant a patent for, an invention, or to register a design or trade-mark of which the use would, in his opinion, be contrary to law or morality, or if he knows that the alleged invention, design, or trade-mark is not new; and on such refusal any provisional protection which may have been given or obtained shall cease.

111. Where a person becomes entitled by assignment, transmission, or other operation of law to a patent, or to the copyright in a registered design, or to a registered trade-mark, the Registrar shall, on request, and on proof of title to his satisfaction, cause the name

of such person to be entered as proprietor of the patent, copyright in the design, or trade-mark, in the Register of patents, designs, or trade marks, as the case may be. The person for the time being entered in the Register of patents, designs, or trade-marks, as proprietor of a patent, copyright in a design, or trade-mark, as the case may be, shall, subject to the provisions of this Act and to any rights appearing from such Register to be vested in any other person, have power absolutely to assign, grant licences as to, or otherwise deal with, the same, and to give effectual receipts for any consideration for such assignment, licence, or dealing; but any equities in respect of such patent, design, or trade-mark may be enforced in like manner as in respect of any other personal property.

112. Every Register kept under this Act shall at all convenient times be open to the inspection of the public, subject to the provisions of this Act and to such regulations as may be prescribed; and certified copies, sealed with the seal of the Patent Office, of any entry in any such Register shall be given to any person requiring the same on payment of the prescribed fee.

113. Printed or written copies or extracts, purporting to be certified by the Registrar and sealed with the seal of the Patent Office, of or from patents, specifications, disclaimers, and other documents in the Patent Office, and of or from Registers and other books kept there, shall be admitted in evidence in all Courts of Justice, and before all Justices, Commissioners, and other persons acting in any judicial or administrative capacity, and in all proceedings, without further proof or production of the originals.

114. A certificate purporting to be under the hand of the Registrar as to an entry, matter, or thing which he is authorised by this Act, or any general rules made thereunder, to make or do, shall be *prima facie* evidence of the entry having been made, and of the contents thereof, and of the matter or thing having been done or left undone.

115.—(1.) A Judge,—

(i.) On the application of any person aggrieved by the omission, without sufficient cause, of the name of any person or of any other particulars from any Register kept under this Act, or by any entry made, without sufficient cause, in any such Register, may make such Order for making, expunging, or varying the entry as the Judge thinks fit; or the Judge may refuse the application; or

(ii.) On the petition of any person by way of appeal from any decision of the Registrar, where such appeal is granted under any provisions of this Act, may hear the matter of such petition, and may confirm, vary, or revoke any decision of the Registrar, or make such other Order in the matter as it may seem fit.

(2.) The Judge may, in any proceeding under this section, decide

any question that it may be necessary or expedient to decide for the rectification of a Register, and may direct an issue to be tried for the decision of any question of fact, and may award damages to the party aggrieved.

(3.) Any Order of the Judge rectifying a Register shall direct that due notice of the rectification be given to the Registrar; and on production to him of any such Order the Registrar shall rectify the Register in accordance with the said Order.

116. The Judges of the Supreme Court may make, from time to time, rules of procedure and practice for regulating proceedings in Court or before a Judge on applications, petitions, and appeals under this Act, and subject thereto such proceedings shall be regulated according to the existing procedure and practice of the Court in like matters.

The costs of all parties of and incident to such proceedings shall be in the discretion of the Court or a Judge; and the Orders of the Court or a Judge respecting costs shall be enforceable in the same manner as other Orders of the Court.

117. The Registrar may, on request in writing, accompanied by the prescribed fee,—

(i.) Correct any clerical error in or in connection with an application for a patent, or for registration of a design or trade-mark; or

(ii.) Correct any clerical error in the name, style, or address of the registered proprietor of a patent, design, or trade-mark; or

(iii.) Cancel the entry or part of the entry of a trade-mark on the Register: Provided that the applicant accompanies his request by a statutory declaration made by himself, stating his name, address and calling, and that he is the person whose name appears on the Register as the proprietor of the said trade-mark;

(iv.) Permit an applicant for registration of a design or trade-mark to amend his application by omitting any particular goods or classes of goods in connection with which he has desired the design or trade-mark to be registered.

118.—(1.) The registered proprietor of any registered trade-mark may apply to a Judge for leave to add to or alter such mark in any particular, not being an essential particular within the meaning of this Act, and the Judge may refuse or grant leave on such terms as he may think fit.

(2.) Notice of any intended application to a Judge under this section shall be given to the Registrar by the applicant, and the Registrar shall be entitled to be heard on the application.

(3.) If the Judge grants leave the Registrar shall, on proof thereof, and on payment of the prescribed fee, cause the Register to be altered in conformity with the Order of leave.

119. Every person who makes or causes to be made a false entry in any Register kept under this Act, or a writing falsely purporting to be a copy of an entry in any such Register, or produces or tenders or causes to be produced or tendered in evidence any such writing, knowing the entry or writing to be false, is guilty of a misdemeanour.

120. Where any discretionary power is by this Act given to the Registrar he shall not exercise that power adversely to the applicant for a patent, or for amendment of a specification, or for registration of a trade-mark or design, without, if so required, within the prescribed time by the applicant, giving the applicant an opportunity of being heard personally or by his agent.

121. The Registrar, at any time, for the purposes of this Act,—

(i.) May require the attendance of any persons as witnesses, and the production of books, documents, and papers, and may examine witnesses on oath, and administer oaths for the purpose ;

(ii.) May, if he thinks fit, obtain the assistance of any scientific expert, or other person ;

(iii.) May require the several parties to any case or matter before him to deposit such sums as he shall think fit, to meet the costs of or incident to hearing such case or matter ; and may, by writing under his hand, order to be paid to any person he may call to his aid as aforesaid some remuneration for his attendance, and may also, in like manner, order that the costs of any hearing upon any objections, or otherwise in relation to the grant of such Letters Patent, or the protection acquired by the applicant under this Act, shall be paid ; and, in and by such writing, shall fix the amount of such remuneration or costs, and by and to whom the same respectively shall be paid.

Every such order shall be in the form contained in the Schedule (2), or to the like effect, and may be made a Rule of the Supreme Court ;

(iv.) May adjourn the hearing of an application, or other matter for the time being under his consideration, from time to time, or *sine die* ;

(v.) In opposed cases, shall hear and examine the applicant, the objectors, and their respective witnesses, if any, and consider their evidence separately and apart from and in the absence of the other, his witnesses and evidence, unless it is otherwise mutually agreed by the applicant and the objectors.

122.—(1.) Any application, notice, or other document authorized or required to be left, made, or given at the Patent Office, or to the Registrar, or to any other person under this Act, may be sent by a prepaid letter through the post ; and, if so sent, shall be deemed to have been left, made, or given respectively at the time when the

letter containing the same would be delivered in the ordinary course of post.

(2.) In proving such service or sending it shall be sufficient to prove that the letter was properly addressed and put into the post.

123. Whenever the last day fixed by this Act, or by any regulation for the time being in force, for leaving any document or paying any fee at the Patent Office falls on Christmas Day, Good Friday, or on a Saturday or Sunday, or bank holiday, or any day observed as a day of public holiday, fast, or thanksgiving, or any day on which the Patent Office is closed for the whole day, herein referred to as excluded days, it shall be lawful to leave such document or to pay such fee on the day next following such excluded day, or days if two or more of them occur consecutively.

124. If any person is, by reason of infancy, lunacy, or other inability, incapable of making any declaration or doing anything required or permitted by this Act, or by any regulations made under the authority of this Act, then the guardian or committee, if any, of such incapable person, or if there be none, any person appointed by any Court or Judge possessing jurisdiction in respect of the property of incapable persons, upon the petition of any person on behalf of such incapable person, or of any other person interested in the making such declaration or doing such thing, may make such declaration or a declaration as nearly corresponding thereto as circumstances permit, and do such thing in the name and on behalf of such incapable person, and all acts done by such substitute shall, for the purposes of this Act, be as effectual as if done by the person for whom he is substituted.

125.—(1.) The Governor in Council may from time to time make such general regulations and do such things as he may think expedient, subject to the provisions of this Act,—

(i.) For regulating the practice of registration under this Act :

(ii.) For classifying goods for the purposes of designs and trade-marks :

(iii.) For making or requiring duplicate of specifications, amendments, drawings, and other documents :

(iv.) For securing and regulating the publishing and selling of copies of specifications, drawings, amendments, and other documents :

(v.) For securing and regulating the making, printing, publishing, and selling of indexes to, and abridgments of, specifications and other documents in the Patent Office; and providing for the inspection of indexes and abridgments and other documents :

(vi.) For regulating the presentation of copies of Patent Office publications to patentees and to public authorities, bodies, and institutions in Tasmania and elsewhere :

(vii.) Generally for regulating the business of the Patent Office, and all things by this Act placed under the direction or control of the Registrar.

(2.) Any of the forms in the Schedule (2) to this Act may be altered or amended by regulations made as aforesaid.

(3.) General regulations may be made under this section at any time after the passing of this Act, but not so as to take effect before the commencement of this Act, and shall, subject as hereinafter mentioned, be of the same effect as if they were contained in this Act, and shall be judicially noticed.

(4.) Any regulations made in pursuance of this Section shall be gazetted, and forthwith be laid before both Houses of Parliament, if Parliament be in session at the time of making thereof, or, if not, then as soon as practicable after the beginning of the then next Session of Parliament.

(5.) If either House of Parliament, within the next forty days after any regulations have been so laid before such House, resolve that such regulations or any of them ought to be annulled, the same shall, after the date of such resolution, be of no effect, without prejudice to the validity of anything done in the meantime under such regulations or regulation, or to the making of any new regulations or regulation.

126. The Registrar shall, in every year, cause a Report respecting the execution by or under him of this Act to be laid before both Houses of Parliament, and therein shall include for the year to which each Report relates all general regulations made in that year under or for the purposes of this Act, and an account of all fees, salaries, and allowances, and other money received and paid under this Act.

Offences.

127.—(1.) Any person who represents that any article sold by him is a patented article when no patent has been granted for the same in Tasmania, or describes any design or trade-mark applied to any article sold by him as registered which is not so, is liable for every offence, on summary conviction, to a penalty not exceeding 50*l*.

(2.) A person shall be deemed, for the purposes of this enactment, to represent that an article is patented, or a design or a trade-mark is registered, if he sells the article with the word "patent," "patented," "registered," or any word or words or letters expressing or implying that a patent or registration has been obtained for the article stamped, engraved, or impressed on, or otherwise applied to, the article.

128. Any person who, without the authority of Her Majesty, or any of the Royal Family, or of the Governor, or of any department of Her Majesty's Government in the United Kingdom or Tasmania, the proof whereof shall lie on him, assumes or uses in connection with any trade, business, calling, or profession the Royal Arms, or arms so nearly resembling the same as to be calculated to deceive, in such a manner as to be calculated to lead other persons to believe that he is carrying on his trade, business, calling, or profession by or under such authority as aforesaid, is liable, on summary conviction, to a penalty not exceeding 20*l*.

129. Any person who falsely represents that any goods are made by a person holding a Royal Warrant, or for the service of Her Majesty, or any of the Royal Family, or the Governor of the Colony, or any department of Her Majesty's Service in the United Kingdom or Tasmania, is liable, on summary conviction, to a penalty not exceeding 20*l*.

130. Any penalty under this Act may be recovered in a summary way before any two or more Justices of the Peace, in the mode prescribed by "The Magistrates Summary Procedure Act;" and any information in respect of any matter arising under this Act may be laid within six months from the time when such matters came to the knowledge of the informant.

131. Nothing in this Act shall take away, abridge, or prejudicially affect the prerogative of the Crown in relation to the granting of any letters patent or to the withholding of a grant thereof.

SCHEDULE.

(1.)

Year and Number of Act.	Title.	Extent of Repeal.
22 Vict., No. 22. . .	The Patent Law Act . .	The whole Act.
47 Vict., No. 1 . . .	The Patent Law Amendment Act, 1883.	The whole Act.
48 Vict., No. 2 . . .	An Act to make provision for the mutual protection of patents for inventions and trade-marks granted or registered in Tasmania or the United Kingdom.	The whole Act.
28 Vict., No. 6 . . .	The Merchandize Marks Act, 1864.	The whole Act.
46 Vict., No. 4 . . .	An Act to amend "The Merchandize Marks Act, 1864."	The whole Act.

(2.)

*Forms of Application, &c.**Form of Application for Patent.*

I [*here insert name, address, and calling of person making declaration*] do solemnly and sincerely declare that [*A. B.*, of _____, and] I am [*or are*] in possession of an invention for [*“improvements in sewing machines”*]; that I [*or the said A. B.*] am [*or is*] the true and first inventor thereof; and that the same is not in use by any other person or persons to the best of my knowledge and belief; and I humbly pray that a patent may be granted to me [*or us*] for the said invention, as described in the specification herewith.

Form of Provisional Specification.

I [*here insert name, address, and calling of inventor*] do hereby declare the nature of my invention for [*“improvements in sewing machines”*] to be as follows:—

[*Here insert short description of invention.*]

[*Signature of inventor.*]

Dated this _____ day of _____, 18 ____.

Form of Complete Specification.

[*Here insert title, as in declaration.*]

I [*here insert name, address, and calling of inventor*] do hereby declare the nature of my invention for [*“improvements in sewing machines”*], and in what manner the same is to be performed, to be particularly described and ascertained in and by the following statement:—

[*Here insert full description of invention.*]

Having now particularly described and ascertained the nature of my said invention, and in what manner the same is to be performed, I declare that what I claim is [*here state distinctly the features of novelty claimed.*]

[*Signature of inventor.*]

Dated this _____ day of _____, 18 ____.

Form of Patent.

Victoria, by the grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, to all to whom these presents shall come, greeting:

WHEREAS *John Smith*, of 29, *Brisbane Street, Hobart, in the Colony of Tasmania, engineer*, hath by his solemn declaration represented unto us that he is in possession of an invention for “improvements in sewing machines,” that he is the true and first inventor thereof, and that the same is not in use by any other person, to the best of his knowledge and belief;

And whereas the said inventor hath humbly prayed that we would be graciously pleased to grant unto him (hereinafter together with his executors,

administrators, and assigns, or any of them, referred to as "the said patentee") our Royal Letters Patent for the sole use and advantage of his said invention ;

And whereas the said inventor hath by and in his complete specification particularly described the nature of his invention ;

And whereas we, being willing to encourage all inventions which may be for the public good, are graciously pleased to condescend to his request :

Know ye, therefore, that we, of our special grace, certain knowledge, and mere motion, do by these presents, for us, our heirs and successors, give and grant unto the said patentee our special licence, full power, sole privilege, and authority, that the said patentee by himself, his agents, or licensees, and no others, may at all times hereafter, during the term of years herein mentioned, make, use, exercise, and vend the said invention within our Colony of Tasmania, in such manner as to him or them may seem meet, and that the said patentee shall have and enjoy the whole profit and advantage from time to time accruing by reason of the said invention during the term of fourteen years from the*

day of 18 : And to the end that the said patentee may have and enjoy the sole use and exercise and the full benefit of the said invention, we do by these presents, for us, our heirs and successors, strictly command all our subjects whatsoever within our said Colony that they do not at any time during the continuance of the said term of fourteen years, either directly or indirectly, make use of or put in practice the said invention, or any part of the same, nor in anywise imitate the same, nor make or cause to be made any addition thereto or subtraction therefrom, whereby to pretend themselves the inventors thereof, without the consent, licence, or agreement of the said patentee in writing under his hand and seal, on pain of incurring such penalties as may be justly inflicted on such offenders for their contempt of this our Royal command, and of being answerable to the patentee according to law for his damages thereby occasioned : Provided that these our Letters Patent are on this condition, that, if at any time during the said term it be made to appear to our Supreme Court of Tasmania that this our grant is contrary to law, or prejudicial or inconvenient to our subjects in general, or that the said invention is not a new invention as to the public use and exercise thereof within our said Colony, or that the said patentee is not the first and true inventor thereof within the said Colony as aforesaid, these our Letters Patent shall forthwith determine and be void to all intents and purposes, notwithstanding anything hereinbefore contained : Provided, also, that if the said patentee shall not pay all fees by law required to be paid in respect of the grant of these Letters Patent, or in respect of any matters relating thereto at the time or times and in manner for the time being by law provided ; and also if the said patentee shall not supply, or cause to be supplied, for our service all such articles of the said invention as may be required by the officers or Commissioners administering any Department of our service in such manner, at such times, and at and upon such reasonable prices and terms as shall be settled in manner for the time being by law provided, then, and in any of the said cases, these our Letters Patent and all privileges and advantages whatever hereby granted shall determine and become void, notwithstanding anything hereinbefore contained : Provided also that nothing herein contained shall prevent the granting of licences in such manner and for such consideration as they may by law be granted : And, lastly, we do by these presents, for us, our heirs and successors,

* Date of acceptance of application.

grant unto the said patentee that these our Letters Patent shall be construed in the most beneficial sense for the advantage of the said patentee.

In witness whereof we have caused these our letters to be made patent, and the seal of the Colony affixed hereto, this day of , 18 .

Form of Order for Expenses.

UPON hearing the objection of *A. B.* to the grant to *C. D.* of Letters Patent for [*insert the title as in the specification*], I do by this writing under my hand order that the said *A. B.* shall pay to the said *C. D.* the sum of _____ for the costs of _____ such hearing [*or to E. F. the sum of _____ as a remuneration for his attendance at such hearing*].

Given under my hand this day of , 18 .

R. M. J.

Registrar of Patents, Designs, and Trade-Marks.

Form of Application for Registration of Design.

day of _____, 18_____

You are hereby requested to register the accompanying _____ design,
in Class _____, in the name of [here insert legibly the name and address of the
individual or firm], of _____, who claims to be the proprietor thereof,
and to return the same to _____.

Statement of nature of design.

Registration fees inclosed, £ s. d.

(Signed)

To the Registrar, Patent Office, Hobart.

Form of Application for Registration of Trade-Mark.

(One representation to be fixed within this square, and three others on separate sheets of foolscap of same size.)

(Representations of a larger size may be folded, but must be mounted upon linen and affixed hereto.)

You are hereby requested to register the accompanying trade-mark [in Class , iron in bars, sheets, and plates; in Class , steam-engines and boilers; and in Class , warming apparatus] in the name of [here insert legibly the name, address, and business of the individual or firm], who claims to be the proprietor thereof.

Registration fees inclosed, £ s. d.

(Signed)

To the Registrar, Patent Office, Hobart.

NOTE.—If the trade-mark has been in use before the date of the passing of this Act, state length of use.

(3.)

FEEs.

In respect of Patents and Renewal.

	£	s.	d.
On lodging application with provisional specification.. ..	0	10	0
On filing complete specification	0	10	0
On filing complete specification in first instance	0	10	0
On depositing amended specification, on application for amendment to specification	1	0	0
On obtaining Letters Patent, or any duplicate thereof	2	0	0
At or before the expiration of the third year	15	0	0
At or before the expiration of the seventh year	20	0	0
On lodging particulars of objections	0	10	0
On hearing objection (by the objector).. .. .	2	0	0
On application for enlargement of time for deposit of specification .	1	0	0
On obtaining such enlargement of time, in addition to fee otherwise payable.. .. .	5	0	0
On lodging application for enlargement of time of any payment ..	1	0	0
On obtaining enlargement of time in addition to fee otherwise payable.. .. .	3	0	0
On presenting petition for extension of term	2	0	0
On notice to Registrar of intended exhibition of patent under section 50	0	10	0
On notice of appeal to Supreme Court or a Judge	1	0	0
Search and inspection: for each book or specification	0	1	0
Entry of assignment or licence	0	10	0
Certificate of assignment or licence	0	10	0
Filing of memorandum of alteration or disclaimer	2	10	0
Entering any caveat	2	10	0
Copy or extract from register under seal	0	10	0
Copy or extract of any writing, per common law folio	0	0	6
Copy of any drawing: cost according to agreement.			
On request to Registrar to correct clerical error	0	5	0

In respect of Industrial Designs.

On application to register one design to be applied to single articles in each class, except in classes next hereinafter enumerated ..	0	10	0
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	£	s.	d.
On application to register one design to be applied to single articles in classes of printed or woven designs in textile piece-goods, or on handkerchiefs and shawls	0	1	0
On application to register one design to be applied to a set of articles for each class of registration	1	0	0
On notice of appeal to Supreme Court or a Judge	1	0	0
Copy of certificate of registration, each copy	0	1	0
On request of certificate of Registrar, for legal proceedings or other special purpose	0	5	0
On request to enter name of subsequent proprietor: Same as registration fee.			
On notice to Registrar of intended exhibition of an unregistered design	0	5	0
Inspection of design of which the copyright has expired, for each quarter of an hour	0	1	0
Copy of one such design: cost according to agreement.			
On request to correct clerical error	0	5	0
On request for search under section 60.. .. .	0	5	0
On request to enter new address	0	5	0
For copy or extract of any writing, per common law folio	*0	0	6
For certifying office copies, MSS. or printed	0	1	0

NOTE.—The term “set” to include any number of articles ordinarily on sale together, irrespective of the varieties of size and arrangement in which the particular design may be shown on each separate article.

In respect of Trade-Marks.

On application to register a trade-mark for one or more articles included in one class	0	5	0
On notice of appeal to Supreme Court or a Judge	1	0	0
For registration of a trade-mark for one or more articles included in one class	1	0	0
For registering a series of trade-marks, for every additional representation after the first in each class	0	5	0
For entering notice of opposition, for each trade-mark, whether in one or more classes	1	0	0
On application to register a subsequent proprietor in cases of assignment or transmission, the first mark.. .. .	1	0	0
For every additional mark assigned or transmitted at the same time	0	2	0
For certificate of refusal to register a trade-mark under section 85..	1	0	0
For certificate of refusal at the same time for more than one trade-mark, for each additional trade-mark after the first	0	10	0
For continuance of mark at expiration of fourteen years	1	0	0
Additional fee where fee is paid within three months after expiration of fourteen years	0	10	0
Additional fee for registration of trade-mark where removed for non-payment of fee	1	0	0

* But never less than 1s.

	£	s.	d.
For altering address on the register, for every trade-mark	0	5	0
For every entry in the register of a rectification thereof, or an alteration therein, not otherwise charged	0	10	0
For cancelling the entry or part of the entry of a trade-mark upon the register, on the application of the owner of such trade-mark.	0	5	0
On request to Registrar to correct a clerical error	0	5	0
For certificate of registration to be used in legal proceedings ..	0	10	0
For certificate of registration to be used for the purpose of obtaining registration in foreign countries	0	5	0
For copy of notification of registration	0	2	0
For inspecting register, for every quarter of an hour	0	1	0
For making a search amongst the classified representations of trade-marks, for every quarter of an hour	0	1	0
Copy of any trade-mark: cost according to agreement.			
For copy or extract of any writing, per common law folio	*0	0	6
For certifying office copies, MSS. or printed	0	1	0
For certificate of Registrar under section 114	0	5	0
Cost of advertising application in the "Hobart Gazette," for each insertion	0	7	6

* But never less than 1s.

*ACT of the Government of the Bahamas, relating to the Law of Patents.**

[52 Vict., No. 23.]

— [Assented to, May 23, 1889.]

WHEREAS it is desirable to make provision for protecting the inventors of new and useful inventions, and for granting to such persons exclusive privileges in connection therewith: May it therefore please the Queen's Most Excellent Majesty that it may be enacted, and be it enacted, by his Excellency Sir Ambrose Shea, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Bahama Islands, the Legislative Council and Assembly of the said Islands, and it is hereby enacted and ordained by the authority of the same as follows:

1. This Act may be cited for all purposes as the "Patent Act, 1889."

2. Every person who desires to obtain in these islands such exclusive privileges in respect to any invention as are hereinafter in this Act mentioned, shall file or cause to be filed by an attorney appointed for the purpose, in the office of the Registrar of Records, in the city of Nassau, a complete specification of the invention, with a copy of the same, particularly describing and ascertaining the nature of the invention, and in what manner the same is to be performed. Provided that in the case of persons residing abroad who

* Amended by Act No. 2 of 1890, page 257.

desire to obtain the benefits of this Act, there shall be filed, with the specification required by this section, a copy certified and stamped of any Letters Patent which may have been issued to and obtained by any such person with respect to the invention of which the specification is filed.

3. Every person who files, or causes to be filed, in the Registrar of Record's Office a specification of an invention shall pay to the Registrar of Records for the benefit of the general revenue, a fee of 3*l*.

4. Every person upon filing a specification under the second section of this Act shall, within ten days thereafter, present a petition to the Governor in Council accompanied by a copy of such specification, and a declaration according to the forms hereto annexed, praying for a grant of Letters Patent in connection with his invention.

5. Whenever a petition has been presented to the Governor as aforesaid, it shall be lawful for the Governor, acting with the advice of the Executive Council, to direct the issue of Letters Patent to the said applicant, which shall extend to the whole Colony: Provided however that it shall be lawful for the Governor to refuse the issue of Letters Patent in the following cases:—

(1.) When he is of opinion that the alleged invention is not patentable in law.

(2.) When it appears to him that the invention is already in the possession of the public, with the consent or allowance of the inventor.

(3.) When it appears to him that there is no novelty in the invention.

(4.) When it appears that the invention has been described in a book or other printed publication before the date of the application, or is otherwise in the possession of the public.

(5.) When it appears that the invention has already been patented in the Colony.

6. Every person having complied with the preceding sections, and having obtained Letters Patent hereunder, his executors, administrators, and assigns, and every of them, by himself and themselves, or by his and their deputy or deputies, servants or agents, or such others as he, his executors, administrators, and assigns, shall at any time agree with, and no others, from time to time and at all times during the term of seven years from the date of the filing of the specification as aforesaid shall, and lawfully may make, use, exercise, and vend within these islands the invention described in the specification so filed as aforesaid, in such manner as to him, his executors, administrators, and assigns, or any of them, shall in his or their discretion seem meet, and he, his executors, administrators, and assigns shall, and lawfully may have and enjoy the whole profit,

benefit, commodity, and advantage from time to time coming, growing, accruing, and arising by reason of the said invention, for and during the term of years hereinbefore mentioned.

7. It shall not be lawful for any person or persons, body or bodies politic or corporate, or any of them, at any time during the continuance of the term hereinbefore mentioned, either directly or indirectly, to make, use, or put in practice the invention described in any specification so filed as aforesaid, or any part of the same, or in anywise counterfeit, imitate, or resemble the same, or to make or cause to be made any addition thereto or subtraction from the same, whereby to pretend himself or themselves the inventor or inventors thereof, without the consent, permission, licence, or agreement of the person who filed the specification thereof, his executors, administrators, or assigns, in writing under his or their hand or hands and seal or seals, first had and obtained in that behalf.

8. If any person or persons whomsoever, body or bodies politic or corporate, shall during the continuance of the term hereinbefore mentioned, at any time either directly or indirectly make, use, exercise, put in practice or vend the invention described in any specification so filed as aforesaid, or any part thereof, within these islands, without a consent, permission, licence, or agreement in writing first had and obtained from the person who filed the specification thereof, his attorneys, executors, administrators, or assigns, under his or their hand or hands and seal or seals, the person who filed the specification thereof, his executors, administrators, and assigns, shall have and be entitled to such and the like remedies both at law and in equity in the courts of these islands, against every such person or persons, body or bodies politic or corporate, for every such infringement or violation of the rights and privileges to which he and they is and are under this Act entitled, or against the person or persons for whose benefit the said invention or any part thereof shall have been so made, used, exercised, put in practice or vended without such consent, permission, licence, or agreement as aforesaid, as the grantee of any Letters Patent for any invention would be entitled to in the like case by the law of England, but to none other remedies; and in any action, suit or other proceeding which may be brought, instituted, or taken against any such person or persons, body or bodies politic or corporate, it shall be lawful for the defendant to plead any such matter in defence as may be pleaded by any defendant in any action brought in any division of Her Majesty's High Court of Justice in England for the infringement of any patent granted by Her Most Gracious Majesty the Queen.

9. Nothing in this Act contained shall be deemed to confer on any person who files in the office of the Registrar of Records a complete specification of an invention the exclusive privileges mentioned in

sections 6, 7 and 8 of this Act, if the invention described in such specification is not at the time when such specification is filed a new invention as to the public use and exercise thereof within these islands, or if such person is not the true and first inventor within these islands of the invention described in such specification, or if such invention was at the time when such specification was filed an invention well known elsewhere, and also known to some person or persons in these islands other than the person filing such specification.

10. Nothing in this Act contained shall extend or be construed to extend to give to any person who files in the office of the Registrar of Records a complete specification of an invention, or to his executors, administrators, or assigns, or any of them, privilege to use or imitate any invention or work whatever which has prior to the filing of such specification been found out or invented by any other person whomsoever, and publicly used or exercised within these islands, and for the sole use, exercise, and benefit whereof within these islands the exclusive privileges mentioned in sections 6, 7, and 8 of this Act, or similar privileges, have prior to the filing of such specifications been obtained; but the person filing such specification, his executors, administrators and assigns, and all and every other person and persons who have as aforesaid previously obtained like privileges, shall distinctly use and practise their several inventions by them invented and found out.

11. When the invention described in a specification filed under this Act is not brought into operation within a period of three years after the filing of the specification, the exclusive right hereby granted or intended to be granted shall be forfeited, and shall cease to exist.

12. All specifications filed under this Act in the office of the Registrar of Records shall be numbered in that office consecutively from number one upwards in the order of the dates on which they are filed.

13. Every patent for an invention, whensoever issued, shall be assignable in law either as to the whole interest or as to any part thereof, by any instrument in writing; but such assignment, and also every grant and conveyance of any exclusive right to make and use the invention patented within and throughout the Colony, or any part thereof, shall be registered in the office of the Registrar of Records in the same manner as deeds and other papers are now recorded therein; and every assignment affecting a patent for invention shall be deemed null and void against any subsequent assignee, unless such instrument is registered as hereinbefore prescribed before the registering of the instrument under which such subsequent assignee may claim.

14. Whenever a specification is filed under this Act and Letters Patent have been granted in connection therewith, the Registrar of

Records shall cause to be inserted in the newspaper in the Colony in which Government notices are published, a notice to the following effect :—

Office of Registrar of Records,

Nassau, , 18 .

A specification having been filed in this office, under "The Patent Act, 1889," by [*name of inventor*] for [*state nature of invention*], Letters Patent have been granted to the said [*name of inventor*] in accordance with the provisions of "The Patent Act, 1889."

A. B., Registrar of Records.

15. Every person who at any time after the passing of this Act is, in respect of any invention, entitled under this Act to the exclusive privileges mentioned herein or to similar privileges, may on or before, but not after, the expiration of such privileges, obtain a renewal thereof upon application to the Governor in Council for a second or further period of seven years, and may on or before, but not after, the expiration of such further period again obtain a renewal thereof upon application as aforesaid for a third period of seven years; provided always, that no person shall enjoy the exclusive privileges mentioned in this Act, or similar privileges for more than twenty-one years.

16. Every person who obtains a renewal of the exclusive privileges to which he is in respect of any invention entitled for a second or further period of seven years shall pay to the Registrar of Records for the benefit of the general revenue the sum of 10*l.*, and shall thereupon become entitled to such exclusive privileges during such second or further period; and every person who obtains a renewal of such exclusive privilege for a third period of seven years shall pay to the Registrar of Records for the benefit of the general revenue the sum of 20*l.*, and shall thereupon become entitled to such exclusive privileges during such third period.

17. The Registrar of Records shall, on receipt of any fee under the last preceding section of this Act, fill up and give to the person by or on whose behalf the same is paid, a certificate having on it the number of the specification of the invention to which it relates, and of the following form :—

Specification, No. .

I hereby certify that the exclusive privileges enjoyed by in respect to the invention described in the specification above referred to have been this day renewed for a period of seven years.

Dated this day of , A.D. 18 .

(Signed) ,

Registrar of Records, Bahamas.

And the Registrar of Records shall cause a copy of the same to be published three times in the newspaper of the Colony in which Government notices are published.

18. The Registrar of Records shall cause true copies of all specifications filed under or in pursuance of this Act, to be open to the inspection of the public, at the office of the Registrar of Records during office hours, subject to such regulations as the Registrar of Records may direct.

19. There shall be kept at the office of the Registrar of Records a book or books to be called the Register of Patents, wherein shall be entered and recorded in chronological order all Letters Patent granted under this Act, the deposit or filing of specifications filed in respect of such Letters Patent, all amendments in such Letters Patent and specifications, all confirmations and extensions of such Letters Patent, the expiry, vacating, or cancelling of such Letters Patent, with the date thereof respectively, and all other matters and things affecting the validity of such Letters Patent, and such register shall be open at all convenient times to the inspection of the public during office hours.

20. Parties making searches for inspection under the two last preceding clauses shall be liable for the fee now chargeable by law for searches made in the office of the Registrar of Records.

21. There shall be kept at the office of the Registrar of Records a book or books entitled the Register of Proprietors, wherein shall be entered, in such manner as the Registrar of Records shall direct, the granting of any Letters Patent, the assignment of any Letters Patent, or of any share or interest therein, and any licence under Letters Patent, with the name or names of any person or persons having any share or interest in such Letters Patent or licence, the date of his or their acquiring such Letters Patent, share and interest, and any other matter or thing relating to or affecting the proprietorship in such Letters Patent or licence; and a copy of any entry in such book, certified under the hand of the Registrar of Records, shall be given to any person requiring the same on payment of the fee of 10s., and such copies so certified shall be received in evidence in all courts and in all proceedings, and shall be *prima facie* proof of the assignment of such Letters Patent or share and interest therein, or of the licence or proprietorship as therein expressed: Provided always, that until such entry shall have been made, the grantee or grantees of the Letters Patent shall be deemed and taken to be the sole and exclusive proprietor or proprietors of such Letters Patent of all the licences and privileges thereby given and granted; and any writ of *scire facias* to repeal such Letters Patent may be issued to the Provost Marshal in case of the grantee or grantees residing in this Colony, and in case such grantee or grantees do not reside in the

Colony, it shall be sufficient to file such writ in the office of the Prothonotary of the General Court, and serve notice in writing thereof at the last known residence or place of business of such grantee or grantees; and such register or a copy shall be open to the inspection of the public at the office of the Registrar of Records during office hours.

22. All fees imposed by this Act shall be payable in stamps, and shall be affixed on the document in respect of which it is due, and cancelled in the manner required by "The Stamp Act, 1877."

23. In the construction of this Act, the following words and expressions shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction:—

The words "invention" shall be deemed to include any art, process, or manner of producing, preparing, or making an article, and also any article prepared or produced by manufacture, and any improvement thereon. The word "inventor" shall include the importer of an invention not publicly known or used in these islands, and shall also include the heirs, executors, administrators, or assigns of an inventor, as the case may be.

The word "assigns" shall include grantees of the sole use or benefit in these islands of an invention or of the sole use of an exclusive privilege for a limited time.

The words "Registrar of Records" shall include any person who shall be appointed to act as Registrar of Records during any vacancy in the office.

Petition.

To his Excellency the Governor of the Bahama Islands in Council :

The humble petition of [*here insert name, address, and occupation of petitioner*] sheweth :

THAT your petitioner is in possession of an invention for [*insert the title of the invention*], which invention he believes will be of great public utility; that he is the true and first inventor thereof, and that the same is not in use by any other person or persons to the best of his knowledge and belief.

Your petitioner therefore humbly prays that your Excellency will be pleased, in the name and on behalf of Her Majesty the Queen, to grant unto him, his executors, administrators, and assigns, Her Majesty's Letters Patent for these islands for the term of seven years, pursuant to the Act of Assembly in that case made and provided.

Declaration.

I [*insert name, full address, and occupation of applicant*] do solemnly and sincerely declare that I am in possession of an invention for [*insert title as in petition*], which invention I believe will be of great public utility; that I am the true and first inventor thereof, and that the same is not in use by any

other person or persons to the best of my knowledge and belief; and that the instrument in writing under my hand and seal, hereunto annexed, particularly describes and ascertains the nature of the said invention and the manner in which the same is to be performed; and I make this declaration conscientiously believing the same to be true.

(*Signature of Applicant.*)

Declared to before me, this day of , 18 .

(*Signature and title of the person before whom the declaration is made.*)

*ACT of the Government of the Bahamas, to amend "The Patent Act, 1889."**

[53 Vict., No. 2.]

— [Assented to March 3, 1890.]

WHEREAS it is expedient to amend "The Patent Act, 1889:"

May it therefore please the Queen's Most Excellent Majesty that it may be enacted, and be it enacted by his Excellency Sir Ambrose Shea, Knight Commander of the Most Distinguished Order of St. Michael and St. George, Governor and Commander-in-chief in and over the Bahama Islands, the Legislative Council and Assembly of the said Islands, and it is hereby enacted and ordained by the authority of the same as follows:—

1. Every person who desires to obtain in these islands such exclusive privileges in respect to any inventions as are hereinafter in this Act mentioned, shall file or cause to be filed by an attorney appointed for the purpose in the office of the Registrar of Records in the city of Nassau a complete specification of the invention, particularly describing and ascertaining the nature of the invention and in what manner the same is to be performed, and shall, within ten days thereafter, present a petition to the Governor in Council, accompanied by a copy of such specification and a declaration according to the form to this Act annexed, praying for a grant of Letters Patent in connection with his invention: Provided that, in the case of persons residing abroad who desire to obtain the benefits of this Act, there shall be filed with the specification required by this section a copy certified and stamped of any specification of Letters Patent which may have been issued to and obtained by any such person with respect to the invention of which the specification is filed.

2. Section 4 of the Principal Act is hereby repealed.

3. Whenever a complete specification has been filed under section 2 of the Principal Act, the Registrar of Records shall immediately issue and deliver for publication in the newspaper in which Government Notices are published, a Notice to the following effect:—

* Page 250.

S

Office of Registrar of Records,
Nassau, , 18 .

A specification has this day been filed in this office under "The Patent Act, 1889," by [*name of inventor*] for [*state name of invention*].

A.B., *Registrar of Records.*

4. Any person may, at any time within two months from the date of the advertisement of the filing of the complete specification, give notice in writing at the office of the Registrar of Records to the Registrar of opposition to the grant of the patent on the ground of the applicant having obtained the invention from him or from a person of whom he is the legal representative, or on the ground that the invention has been patented in this Colony on an application of prior date, or on the ground that the specification comprises the same invention as is comprised in a specification bearing the same or a similar title and accompanying a previous application, but on no other ground.

(2.) Where such notice is given, the Registrar of Records shall give notice of the opposition to the applicant and to the Clerk of the Executive Council.

(3.) When such notice shall have been given, the Governor shall direct an examination and inquiry into the application and opposition thereto before such person or persons and in such manner as he may think fit, with a report as to whether the grant ought or ought not to be made.

5. If there is no opposition, or in case of opposition if the report made under the 3rd sub-section of the immediately preceding section is in favour of the grant of a patent, it shall be lawful for the Governor, acting with the advice of the Executive Council, to direct the issue of Letters Patent to the said applicant which shall extend to the whole Colony.

6. The 5th and 11th sections of the Principal Act are hereby repealed.

7. If, on the petition of any person interested, it is proved to the satisfaction of the Governor in Council that, by reason of the default of a patentee to grant licences on reasonable terms—

(a.) The patent is not being worked in the Colony; or

(b.) The reasonable requirements of the public with respect to the invention cannot be supplied; or

(c.) Any person is prevented from working or using to the best advantage an invention of which he is possessed :

The Governor, acting with the advice of the Executive Council, may direct the patentee to grant licences on such terms as to the amount of royalties, security for payment, or otherwise as the Governor in Council, having regard to the nature of the invention and the circumstances of the case, may deem just, and the refusal

to obey such order shall be considered sufficient cause for the revocation of the grant of Letters Patent.

8. A publication in the newspaper in which Government Notices are published of the order issued under the preceding section shall be sufficient notice to a patentee, and if at the expiration of six months from the date of the publication of such order it shall be shown to the satisfaction of the Governor in Council that such order has not been obeyed, it shall be lawful for the Governor, acting with the advice of the Council, to issue an order revoking the grant of Letters Patent, and thereupon the said grant shall be revoked and of no effect, and the rights granted thereunder shall be forfeited and shall cease to exist.

9. The 2nd section of the Principal Act shall be, and the same is hereby, repealed.

10. Nothing herein contained shall affect the validity of any Letters Patent granted under the Principal Act, which said Letters Patent shall, however, be subject to the provisions of this Act.

*ORDINANCE of the Government of Fiji, to regulate the Emigration from that Colony of Indian and Polynesian Immigrants.**

[No. 6.]

[October 28, 1892.]

(L.S.) JOHN B. THURSTON.

WHEREAS it is expedient to prohibit the emigration of Indian and Polynesian immigrants from this Colony to foreign countries and possessions between which and Her Majesty's Government there is no Convention allowing emigration from India, or to which emigration from India is not otherwise permitted:

Be it therefore enacted by the Governor, with the advice and consent of the Legislative Council, as follows:—

1. In this Ordinance the term “emigrate” means to depart from Fiji for the purpose of labouring for hire at any kind of manual labour.

The term “Indian immigrant” means any person of Indian parentage who has been, or who shall hereafter be, introduced into the Colony under the provisions of any Indian Immigration Ordinance, and includes the descendants of such immigrant.

The term “Polynesian immigrant” means every person, being an aboriginal native of any island in the Pacific Ocean, who shall have been already introduced, or who shall be hereafter introduced to work in the Colony under the provisions of any Polynesian

* Amended by Ordinance No. 14 of 1893, page 267.

Immigration Ordinance, and includes the descendants of such immigrant.

“Magistrate” means an European Stipendiary Magistrate.

The “master” of any vessel means the person in charge thereof for the time being.

“Vessel” includes anything made for the conveyance by water of human beings or property.

2. It shall not be lawful for any Indian or Polynesian immigrant to emigrate from Fiji to any foreign country or possession otherwise than under the following conditions:—

(a.) That a Convention with Her Majesty’s Government, or a law allowing emigration to such foreign country or possession from British India, shall be in operation;

(b.) That a contract shall have been entered into between such Indian or Polynesian immigrant and his employer as hereinafter prescribed;

(c.) That a passport shall have been obtained by such Indian or Polynesian immigrant as hereinafter prescribed.

3. The fact that emigration from British India is permitted as aforesaid may be proved by the production of a copy of any law to that effect, or of a copy of the “Government Gazette” of India, setting forth such fact, and any such copy may be received in evidence if it purport to be printed by the Government printer of any Presidency of India, and the suspension of such emigration to any place may be proved in the like manner.

4. Every Indian or Polynesian immigrant about to emigrate to any foreign country or possession to which emigration is permitted by this Ordinance shall enter into a contract with his intended employer before a Magistrate, and no such contract shall be passed unless the Agent-General of Immigration shall signify in writing to the Magistrate his consent to the terms of such contract, and unless such intended employer shall give such security as to the Magistrate may seem reasonable for the due performance on his part of such contract.

5. After having entered into a contract as aforesaid, and before embarking, the Indian or Polynesian immigrant shall apply to the Agent-General of Immigration for a passport, which passport shall only be issued with the special authority of the Governor.

The Governor shall have power to refuse authority for the issue of such passport if the refusal be deemed by him to be proper in the interest of the intending emigrant.

For every such passport the Agent-General of Immigration shall charge a fee of 1s.

6. Nothing in this Ordinance shall apply to the departure from Fiji on board of any vessel of any Indian or Polynesian immigrant

for the *bonâ fide* purpose of serving as one of the crew of such vessel, or for the *bonâ fide* purpose of serving as a domestic servant only.

Provided such Indian or Polynesian immigrant shall in either case have previously received a passport as aforesaid from the Agent-General of Immigration.

7. Any Indian or Polynesian immigrant who shall emigrate or attempt to emigrate from Fiji in breach of the provisions of this Ordinance shall be liable to a fine not exceeding 2*l.*, or to imprisonment, with or without hard labour, for any term not exceeding one month.

8. Any person who shall procure, induce, enable, or assist, or attempt to procure, induce, enable, or assist, any Indian or Polynesian immigrant in Fiji to emigrate to any foreign country or possession, emigration to which is not permitted as aforesaid, or who shall procure, induce, enable, or assist, or attempt to procure, induce, enable, or assist, any Indian or Polynesian immigrant to emigrate or attempt to emigrate without such contract or passport as aforesaid, shall be liable to a fine not exceeding 50*l.* in respect of every such Indian or Polynesian immigrant, and, in default of payment, to imprisonment, with or without hard labour, for any term not exceeding three months.

9. Any master of any vessel who shall suffer any Indian or Polynesian immigrant to embark on board the vessel whereof he is the master in breach of the provisions of this Ordinance for the purpose of emigrating, shall be liable to the penalties prescribed in the preceding section.

10. The Agent-General of Immigration or any Inspector of Immigrants, any officer of customs or of police, may, without warrant, visit and inspect any vessel on which he has reason to suspect that any Indian or Polynesian immigrant has embarked in breach of the provisions of this Ordinance, and may, without warrant arrest, or cause to be arrested, any such Indian or Polynesian immigrant found on such vessel.

Any Indian or Polynesian immigrant so arrested may be detained in custody until he can conveniently be brought before a Magistrate, and any person hindering or obstructing any of the above-mentioned officers in such visit, inspection, or arrest, shall be liable to a fine not exceeding 20*l.*, or to imprisonment, with or without hard labour, for any term not exceeding three months.

11. All prosecutions under this Ordinance shall be heard and determined in a summary manner before a Magistrate.

12. The burden of proving that any Indian or Polynesian immigrant found on board any vessel is not in such vessel with the intention and for the purpose of emigrating, or is in such vessel for

the *bonâ fide* purpose of serving as one of the crew, or as a domestic servant, shall be upon the person charged with having committed any offence under this Ordinance.

13. This Ordinance may be cited for all purposes as "The Immigrants Emigration Ordinance, 1892."

Passed in Council this 5th day of October, in the year of our Lord 1892

ORDINANCE of the Government of Fiji, to regulate the Supply of Spirituous Liquor to Natives and others.

[No. 19.]

— [November 29, 1892.]

(L.S.) JOHN B. THURSTON.

BE it enacted by the Governor, with the advice and consent of the Legislative Council, as follows :—

1. This Ordinance may be cited for all purposes as "The Liquor Prohibition Ordinance, 1892," and Ordinances No. 24 of 1881, 7 of 1883, 15 of 1887, and 15 of 1888, are hereby repealed.

Interpretation.

2. In this Ordinance the term "natives" shall include in its reference not merely aboriginal natives of Fiji, but aboriginal natives of any part of Africa, India, or Malaysia, or of any territory or island adjacent to Africa, India, or Malaysia, and every person wholly descended from such aboriginal native, and also aboriginal natives of any island in the Pacific Ocean, and every person wholly descended from such aboriginal natives, and the term "liquor" shall mean any wine or other spirituous or fermented liquor, or any liquid used for drinking any portion of which is spirituous or fermented liquor, and the term "Magistrate" shall mean an European Stipendiary Magistrate.

As to Natives.

3. It shall be unlawful for any native to have in his possession, or to drink, any liquor, and liquor in the possession of any native may be seized by any officer of the police. Any native offending against the provisions of this section shall be liable to a penalty not exceeding 10*l.*, and, in default of payment, to imprisonment, with or without hard labour, for any term not exceeding three months.

4. Any person, whether licensed to sell liquor or not, who shall

give, sell, supply, or in any way procure to or for any native, or shall aid or abet in any way in the giving, selling, supplying, or procuring any liquor in any form or quantity to or for any native, shall be deemed to be guilty of an offence against this Ordinance, and, on conviction thereof in a summary manner, shall be liable, in addition to any penalty which may be incurred for the sale of such liquor without a licence, for a first offence to a fine not exceeding 50*l.*, or, in default of payment, to imprisonment for any term not exceeding three months, and for a repetition of such offence shall be liable to a fine not exceeding 100*l.*, or, in default of payment, to imprisonment for any term not exceeding six months, together with the forfeiture of any publican's packet or trader's licence where the person so giving, selling, supplying, or procuring, or aiding and abetting in the giving, selling, supplying, or procuring shall hold such licence.

5. When a person holding a licence for the sale of liquor has been twice convicted of an offence under this Ordinance, or where persons in his service or on his premises have been convicted so that two convictions for offences against this Ordinance shall have been established as committed in respect of liquor supplied from such premises, no licence to sell spirits or fermented liquor on the same premises shall be granted to him or any other person without the assent of the Governor on a special report of the licensing authority detailing the circumstances.

6. Nothing in this Ordinance shall be held to apply—

- (1.) To a minister of religion giving wine in conformity with any religious rites;
- (2.) To a medical man prescribing or giving liquor in doses to a patient, for the purpose of curing or preventing disease or promoting restoration to health;
- (3.) To a person, not a publican or person employed by him, who shall gratuitously prescribe or give liquor as a medicine in case of emergency or distress;
- (4.) To a person supplying liquor to a native personally exhibiting an exemption granted to him by the Governor under the provisions of this Ordinance or of any native regulation;
- (5.) To the domestic servant of any resident, such resident not being a native or half-caste, who shall bear a written and dated order from his employer for liquor for his employer's use: Provided that, in any prosecution under this Ordinance, the onus of proving that, at the time of supplying liquor to any domestic servant, such servant was in the employ of such a resident as aforesaid, and that the order upon which liquor was supplied was signed and dated by the employer purporting to sign it, shall be upon the publican or other person supplying such liquor.

7. Any order under sub-section 5 of the preceding section shall

be signed by the employer, who shall also enter upon it the date of the day of his delivering it to his servant, and the order shall have no effect beyond the day of its date. Every person supplying liquor upon any such order shall initial the same and retain it in his possession for three calendar months. All such orders shall be open to the inspection and examination of the Superintendent of Police or any officer appointed by him in that behalf, and any person supplying liquor to natives upon orders as aforesaid who shall neglect to initial and retain such orders, or who shall refuse to produce such orders when called upon so to do by the Superintendent of Police or other officer, shall, on conviction thereof in a summary manner, be liable to a penalty not exceeding 20*l.*, or, in default of payment, to imprisonment for any term not exceeding two months.

8. Every person shall be guilty of an offence under this Ordinance, and shall, on conviction thereof in a summary manner, be liable to imprisonment for any term not exceeding three months, who shall give or allow his name to be used, or shall make use of any name other than his own, for the purpose of procuring liquor for a native under pretext of any of the exceptions contained in this Ordinance.

As to Half-castes.

9. The term "half-caste" shall include in its reference any person either of whose parents has been of any of the races comprised within the term "native," as defined by this Ordinance, or any person either of whose parents has had a native parent.

10. The provisions of this Ordinance which apply to natives shall apply also to half-castes.

As to Persons of European Descent or others who are not Natives or Half-castes.

11. It shall be lawful for any Magistrate to prohibit any person, whether licensed to sell liquor or not, from giving, selling, or supplying liquor to, or from procuring liquor for, any person not included within the terms "native" or "half-caste," when such Magistrate shall be satisfied, on the application of any relative of the said person, or of the police, that such person is of confirmed intemperate habits. Such prohibition shall be issued in all cases where a person has been three times within the space of two years convicted of drunkenness. And any person other than a publican or person in his employment who shall, contrary to such prohibition, give, sell, or supply liquor, shall, on conviction in a summary manner,

be liable to a fine not exceeding 10*l.*, or, in default of payment, to imprisonment for any term not exceeding one month.

12. Any publican or person in his employment giving, selling, or supplying liquor to, or procuring liquor for, any person in respect of whom a prohibition has been issued under the preceding section, shall on conviction thereof in a summary manner be liable to a fine not exceeding 50*l.*, and, in default of payment, to imprisonment for any period not exceeding six months.

General Provisions.

13. The Governor may grant a certificate of exemption from the provisions of section 3 of this Ordinance, but every such exemption shall be subject to the conditions imposed in each case, and the Governor may at any time cancel any such certificate, and may notify such cancellation in any way he may think fit.

14. Any native or person against whom a prohibition has been issued under the provisions of section 11 hereof found under the influence of liquor in any public place may be arrested by the police, and shall, upon conviction thereof in a summary manner, be liable to a penalty not exceeding 40*s.*, or to imprisonment for any term not exceeding fourteen days.

15. It shall be lawful for any constable to seize any liquor found in the possession of any native, unless such possession shall be satisfactorily accounted for, and for any officer of police to enter, without warrant and by force if necessary, any vessel, house, building, or place where any natives are drinking with, or are in possession of, liquor, or where there is reasonable cause to suspect that liquor is hidden for the purposes of consumption by natives, and all liquor found in the possession of such natives, or in any vessel, house, building, or place, shall be confiscated.

16. Any certificate of exemption found in the possession of any person other than the person to whom it was granted may be seized by any police constable, and such certificate or permit shall not be returned to the owner except upon the direction of a Magistrate.

17. Storekeepers and publicans shall keep the liquor in their bars and elsewhere on their premises in such a manner as to prevent easy access thereto by natives, and in default thereof shall be guilty of an offence under this Ordinance, and, on conviction thereof in a summary manner, shall be liable, for a first offence, to a fine not exceeding 5*l.*, and for a second or subsequent offence, to a fine not exceeding 10*l.*

18. Where any person shall be charged with an offence under this Ordinance, and such offence shall have been *prima facie* estab-

lished against him by the prosecutor, he, unless he be a medical officer, shall be bound to prove that he is, and the prosecutor shall not be bound to prove that he is not, covered by any of the exceptions provided in this Ordinance.

19. In any case in which a conviction has been obtained under this Ordinance there may be awarded to such person who shall be certified by the Magistrate to be the informer such a sum as the Governor may deem reasonable not exceeding one-half of the money penalty recovered: Provided that at any time after the expiration of eight days from the date of conviction the Magistrate may order any sum not exceeding one-quarter of any money penalty recovered to be paid directly to the informer.

20. Any charge laid in respect of any offence against this Ordinance shall be laid within a period of three calendar months from the commission of such offence.

Passed in Council this 14th day of November, in the year of our Lord 1892.

ORDINANCE of the Government of Fiji, to amend "The Aliens Ordinance, 1875."

[No. 13.]

[Decemoer 20, 1893.]

(L.S.) JOHN B. THURSTON.

BE it enacted by the Governor, with the advice and consent of the Legislative Council, as follows:—

1. Subject to any regulations which may be made by one of Her Majesty's Principal Secretaries of State, every certificate of readmission to British nationality granted by the Governor under "The Naturalization Act, 1870,"* together with the oath of allegiance taken by the grantee, shall be recorded in the same manner and subject to the same conditions as a certificate of naturalization under "The Aliens Ordinance, 1875."

2. This Ordinance may be cited as "The Aliens Amendment Ordinance, 1893."

Passed in Council this 4th day of December, in the year of our Lord 1893.

* Vol. LX, page 267.

*ORDINANCE of the Government of Fiji, to amend "The Immigrants Emigration Ordinance, 1892."**

[No. 14.]

[December 20, 1893.]

(L.S.) JOHN B. THURSTON.

BE it enacted by the Governor, with the advice and consent of the Legislative Council, as follows:—

1. Notwithstanding anything contained in "The Immigrants Emigration Ordinance, 1892," or in any of the Ordinances heretofore passed relating to the immigration of Indians or Polynesians into this Colony, no Indian or Polynesian immigrant shall be entitled to leave this Colony for any of the places specified in the Schedule hereto without the consent of the Governor.

2. It shall be lawful for the Governor from time to time to add to or omit from the said Schedule any place or places he may think fit by notifying the same in the "Royal Gazette."

3. This Ordinance may be cited as "The Immigrants Emigration Amendment Ordinance, 1893."

Passed in Council this 4th day of December, in the year of our Lord 1893.

SCHEDULE.

The Australasian Colonies.
The Pacific Islands.

ACT of the Government of New Zealand, to amend the Acts relating to the Post Office by providing for the Carriage of Foreign Parcels by Post.

[No. 18.]

[August 28, 1888.]

BE it enacted by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. The short title of this Act is "The Post Office (Foreign Parcels) Act, 1888."

2. In this Act, if not inconsistent with the context—

"Foreign parcels" means any packages or parcels which may be or be intended to be conveyed by means of the Post Office under the Acts and regulations from time to time in force relating to the Post Office, and either posted in New Zealand and sent to a place

out of New Zealand, or posted in a place out of New Zealand and sent to a place in New Zealand ;

“Postal authority” means the Postmaster-General of the United Kingdom or of any British Colony or possession, and includes any authority in any foreign country or place by or with whom any Convention, Agreement, or Arrangement may be made under this Act.

3. The Postmaster-General may from time to time enter into any Convention, Agreement, or Arrangement with any postal authority for the conveyance of foreign parcels under and subject to the terms of this Act, and any such Convention, Agreement, or Arrangement may alter, revoke, or renew, as occasion shall require.

4. The Postmaster-General shall have, and may exercise in respect of foreign parcels, and in relation to the carriage or conveyance of the same, all such powers, rights, and authorities, and shall be subject to all such duties and liabilities, which he now has, or could exercise, or is subject to, in respect of the conveyance or carriage of parcels under the provisions of “The Post Office Act Amendment Act, 1886.”

5. Subject to any exceptions and modifications made under this Act, the provisions of the Acts for the time being in force relating to the Customs (in this Act referred to as “the Customs Acts”) shall apply to goods contained in foreign parcels in like manner, so far as is consistent with the tenour thereof, as they apply to any other goods, and persons may be punished for offences against the said Acts, and goods may be examined, seized, and forfeited, and the officers examining them and seizing them shall be protected, and legal proceedings in relation to the matters aforesaid may be taken accordingly under the said Acts.

6. The Postmaster-General shall have the same right of recovering any sums payable in pursuance of the Customs Acts or this Act in respect of any foreign parcel as he would have if the sum so paid were a rate of postage.

7. A breach of the regulations hereinafter authorized to be made for the purposes of the Customs Acts shall be deemed to be a breach of the Customs Acts, and shall involve the like punishment of persons guilty thereof, and the like forfeiture of goods.

8. The Governor in Council may from time to time make, alter, and revoke regulations for the purpose of modifying or excepting the application of any of the Customs Acts to foreign parcels, and for the purpose of securing, in the case of such parcels, the observance of the Customs Acts, and for enabling the officers of the Post Office to perform for the purpose of those Acts all or any of the duties of the exporter and importer, or for carrying into

effect any Convention, Agreement, or Arrangement with any postal authority with reference to foreign parcels, and for punishing any breach of the Customs Acts or of the regulations in this section provided for.

9. All the provisions of "The Post Office Act Amendment Act, 1886," shall, subject to the provisions herein contained, extend and apply to foreign parcels to the same extent and in the same manner as if the provisions of that Act had expressly applied to foreign parcels and the several persons, matters, and things that would be affected thereby; and this Act shall be read and construed with the said Act accordingly.

10. Nothing in this Act shall be deemed to authorize the making of any Contract, Convention, Agreement, or Arrangement which would have the effect of imposing differential Customs duties, or interfering with the operation of the Act of the Imperial Parliament known as "The Australian Colonies Duties Act, 1873."*

ACT of the Government of New Zealand, to amend "The Chinese Immigrants Act, 1881."†

[No. 34.]

[August 30, 1888.]

BE it enacted by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. The short title of this Act is "The Chinese Immigrants Act Amendment Act, 1888."

2. The term "Chinese" in the said Act and in this Act does not include Chinese naturalized in New Zealand.

3. In this Act "The Chinese Immigrants Act, 1881," is referred to as "the said Act."

4. The 3rd section of the said Act is hereby repealed, and in lieu thereof it is enacted:—

If any vessel shall arrive in any port or place in New Zealand having on board a greater number of Chinese passengers than in the proportion of one to every 100 tons of the tonnage of such vessel, according to the registry thereof, if British, and if not, then according to the measurement prescribed by any Act for the time being in force regulating the measurement of British ships, the owner, charterer, or master of such vessel shall be liable, on conviction, to a penalty not exceeding 100*l.* for each Chinese passenger so carried in excess:

Provided that this section shall not apply to any Chinese

* Vol. LXV, page 1220.

† Vol. LXXV, page 425.

passenger who shall prove, by statutory declaration or otherwise, to the satisfaction of the Collector of Customs at the port at which such passenger proposes to land, that he had left China or Hong Kong for New Zealand before the 10th day of June, 1888.

5. The penalty prescribed by the 6th section of the said Act shall henceforth be 50% in lieu of 20%, as therein provided.

It shall also be an offence within the meaning of the said section, as amended by this Act, if the master of any vessel which shall have brought Chinese to the Colony shall permit or suffer any Chinese to escape from such vessel before the prescribed amount shall have been paid on behalf of such Chinese.

6. If any Chinese who becomes liable to the penalty prescribed by the 9th section of the said Act shall make default in payment of such penalty, he shall be liable to imprisonment for twelve months, unless such penalty be sooner paid, and may be apprehended and taken before any Justice of the Peace to be dealt with in due course of law.

7. The sum of 10% required to be paid by the 5th section of the said Act shall not be payable by or for any Chinese duly accredited to this Colony by the Government of China, or by or under the authority of the Imperial Government, on any special mission.

8. The penalties and restrictions imposed by the said Act as amended by this Act shall not, nor shall any of them, be held to be applicable in the case of any Chinese being one of the crew of any vessel arriving in any port in New Zealand, and no such Chinese, being one of such crew, shall be discharged and landed from such vessel within the Colony, or shall at any time go on shore, except in the performance of his duties in connection with such vessel, and every such Chinese so discharged and landed shall be liable to a penalty of 20%.

9. Any vessel on board which Chinese shall be transhipped from another vessel and be brought to any port or place in this Colony shall be deemed to be a vessel bringing Chinese into the said Colony from parts beyond the said Colony, and shall be subject to all the requirements and provisions of the said Act and this Act, and all Chinese so transhipped and brought to such port or place shall be deemed to be Chinese arriving from parts beyond New Zealand.

10. For the purpose of any proceeding taken under any of the provisions of the said Act or this Act, the burden shall lie on the defendant of proving that he is exempt from the operation of any of such provisions, and it shall not be necessary, in any information, summons, or conviction, or other document, to state or negative any exception in, or exemption under, the said Acts.

11. Nothing contained in this Act or the said Act shall apply to the officers or crews of any vessel or vessels of war of His Majesty

the Emperor of China, who shall have all the privileges and immunities enjoyed by the officers and crews of the vessels of war of any other friendly Power.

12. This Act shall remain in force till the end of the next Session of the General Assembly, and no longer.*

ACT of the Government of New Zealand, to amend the Law relating to Patents for Inventions, Registration of Designs, and of Trade-marks.

[No. 12.]

[September 2, 1889.]

BE it enacted by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

PART I.—*Preliminary.*

1. The short title of this Act is “The Patents, Designs, and Trade-Marks Act, 1889.”

It shall come into operation on the 1st day of January, in the year 1890.

2. In this Act, unless the context otherwise requires—

“British possession” means any territory or place situate within Her Majesty’s dominions, and not being or forming part of the United Kingdom, or of the Channel Islands, or of the Isle of Man; and all territories and places under one Legislature, as hereinafter defined, are deemed to be one British possession for the purposes of this Act;

“Copyright” means the exclusive right to apply a design to any article of manufacture or to any artificial or natural, or partly artificial and partly natural, substance in the class or classes in which the design is registered;

“Court” means the Supreme Court of New Zealand;

“Court of summary jurisdiction” means any two or more Justices of the Peace, or a Resident Magistrate acting under “The Justices of the Peace Act, 1882;” and “summary conviction” means a conviction under that Act;

“Design” means any design applicable to any article of manufacture, or to any substance, artificial or natural, or partly artificial and partly natural, whether the design is applicable for the pattern, or for the shape or configuration, or for the ornament thereof, or for any two or more of such purposes, and by whatever means it is applicable, whether by printing, painting, embroidering, weaving, sewing, modelling, casting, embossing, engraving, staining, or any

* Section repealed by Act No. 18 of 1889, page 319.

other means whatever, manual, mechanical, or chemical, separate or combined, not being a design for a sculpture, or other thing within the protection of "The Sculpture Copyright Act, 1814" (54 Geo. III, cap. 56), or other Act in substitution thereof for the time being in force in New Zealand ;

"Invention" means any manner of new manufacture the subject of Letters Patent and grant of privilege within section 6 of the Statute of Monopolies (that is, the Act of the twenty-first year of the reign of King James I, cap. 3, intituled "An Act concerning Monopolies and Dispensations with Penal Laws and the Forfeiture thereof"), and includes an alleged invention ;

"Legislature" includes any person or persons who exercise legislative authority in the British possession, and, where there are local Legislatures as well as a central Legislature, means the central Legislature only ;

"Patent" means Letters Patent for an invention ;

"Patentee" means the person for the time being entitled to the benefit of a patent ;

"Prescribed" means prescribed by any of the Schedules to this Act, or by general rules under or within the meaning of this Act ;

"Registrar" means the Registrar of Patents, Designs, and Trade-Marks ;

"Trade-mark" means a trade-mark registered in the register of trade-marks kept under this Act, and includes any trade-mark which, either with or without registration, is protected by law in any British possession or foreign State to which the provisions of section 103 of the Act of the Imperial Parliament shortly intituled "The Patents, Designs, and Trade-marks Act, 1883,"* are, under Her Majesty's Order in Council, for the time being applicable :

"True and first inventor" means the person who is the actual inventor of an invention, or his nominee or assignee, but does not include the unauthorized importer of an invention from any place outside the colony :

"United Kingdom" includes the Channel Islands and the Isle of Man.

3.—(1.) The Governor may from time to time appoint such person as he thinks fit to be Registrar of Patents, Designs, and Trade-Marks, and in like manner may appoint a place to be the "Patent Office."

(2.) The person who, at the commencement of this Act, holds the office of Patent Officer under the Acts hereby repealed shall be and act as Registrar of Patents, Designs, and Trade-Marks under this Act.

(3.) The place at the commencement of this Act used as the Patent Office shall be deemed to have been appointed under this Act.

4.—(1.) The Governor may at any time appoint a fit and proper person to be Deputy-Registrar, to act in case of the death, illness, or absence of the Registrar, and such deputy shall, during the time he shall so act, have all the powers and privileges, and shall perform all the duties and be subject to the responsibilities of the Registrar.

(2.) Whenever the Registrar shall die, the Deputy-Registrar shall act as such from the day of such death, and, in the case of illness or absence, shall act as such from such day as the Registrar shall certify under his hand to the Deputy-Registrar that he is ill and unable to perform his duties, or that he is about to be absent; and such Deputy-Registrar shall cease to act as such on the day on which he shall receive from the Registrar a certificate under his hand to the effect that he has resumed his duties.

5. The Governor from time to time may, for all such purposes as he may deem necessary, appoint local Patent Offices and Patent Office Agents in such places as he shall think fit, and may alter or revoke the appointment of such offices and agents respectively.

All appointments of local Patent Offices and Patent Office Agents made under any Act hereby repealed, and subsisting at the time of the commencement of this Act, shall be deemed to be made under this Act.

Such agents shall not demand or receive from any applicant for a patent, or from any one on his behalf, any fees or charges whatever other than such as are from time to time payable under this Act.

PART II.—*Patents.*

Application for and Grant of Patent.

6.—(1.) Any person, whether a British subject or not, may make an application for a patent.

(2.) Two or more persons may make a joint application for a patent, and a patent may be granted to them jointly.

(3.) A patent may also be granted to several persons jointly, some or one of whom only are or is the true and first inventors or inventor.

7.—(1.) If a person possessed of an invention dies without making application for a patent for the invention, application may be made by, and a patent for the invention granted to, his legal representative.

(2.) Every such application must be made within six months of
[1892-93. LXXXV.]

the decease of such person, and must contain a declaration by the legal representative that he believes such person to have been the true and first inventor of the invention.

8. (1.) An application for a patent must be made in the form set forth in the First Schedule to this Act, or to the like effect, and must be left at, or sent by post to, the Patent Office, or left at a local Patent Office.

(2.) An application must contain a declaration attested by a witness to the effect that the applicant is in possession of an invention, whereof he, or in the case of a joint application one or more of the applicants, claims or claim to be the true and first inventor or inventors, and for which he or they desires or desire to obtain a patent, and must be accompanied by either a provisional or complete specification, in the form in the First Schedule to this Act, or to the like effect, written in a plain legible hand, or printed in fair legible type upon parchment or paper, and signed by the applicant.

(3.) A provisional specification must describe the nature of the invention, and be accompanied by drawings, if required.

(4.) A complete specification, whether left on application or subsequently, must particularly describe and ascertain the nature of the invention, and in what manner it is to be performed, and must be accompanied by drawings, if required, or a reference to the drawings, if any, which accompanied the provisional specification. A copy of the complete specification, and of the drawings accompanying it or referred to in it, shall be deposited in the Patent Office at the same time and together with the complete specification.

(5.) A specification, whether provisional or complete, must commence with the title, must be limited to one invention, and, in the case of a complete specification, must end with a distinct statement of the invention claimed.

(6.) If such application be made at any local Patent Office, the Patent Office Agent shall give to the applicant or his agent a receipt therefor in the form set forth in the First Schedule or to the like effect, and shall forthwith transmit the documents and a copy of his receipt to the Patent Office.

9. The Registrar shall examine every application in priority according to the time at which it was received at the Patent Office, in order to ascertain whether the nature of the invention has been fairly described, and the application, specification, and drawings (if any) have been prepared in the prescribed manner, and the title sufficiently indicates the subject-matter of the invention.

(1.) If he finds that the nature of the invention is not fairly described, or that the application, specification or drawings has not or have not been prepared in the prescribed manner, or that the title does not sufficiently indicate the subject-matter of the invention, he

may refuse to accept the application, or require that the application, specification, or drawings be amended before he proceeds with the application; and in the latter case the application shall, if the Registrar so directs, bear date as from the time when the requirement is complied with.

(2.) If he finds the application and specification to be in accordance with this Act and the prescribed regulations, he shall accept the same by indorsing on the application the word "Accepted," with his signature and the exact time of such acceptance, and shall cause the said time of acceptance to be recorded in the Patent Office.

(3.) When an application has been accepted the Registrar shall give notice thereof to the applicant.

10. If after an application for a patent has been made, but before the patent thereon has been sealed, another application for a patent is made accompanied by a specification bearing the same or a similar title, the Registrar, if he thinks fit, on the request of the second applicant, or of his legal representative, may, within two months of the grant of a patent on the first application, either decline to proceed with the second application or allow the surrender of the patent, if any, granted thereon.

11. If the applicant does not leave a complete specification with his application, he may leave it at any subsequent time within nine months from the date of the acceptance of the application and unless a complete specification is left within that time the application shall be deemed to be abandoned.

12.—(1.) Where a complete specification is left after a provisional specification the Registrar shall examine both specifications for the purpose of ascertaining whether the complete specification has been prepared in the prescribed manner, and whether the invention particularly described in the complete specification is substantially the same as that which is described in the provisional specification.

(2.) If he finds that the conditions hereinbefore contained have not been complied with, the Registrar may refuse to accept the complete specification unless and until the same shall have been amended to his satisfaction; but any such refusal shall be subject to appeal to the Court.

(3.) The Court shall hear the applicant and the Registrar or any one appearing on behalf of either of them, and may make an order determining whether and subject to what conditions (if any) the complete specification shall be accepted.

13. Unless a complete specification is accepted within twelve months from the date of the application, then (save in the case of an appeal having been lodged against the refusal to accept) the

application shall, at the expiration of those twelve months, become void.

14. Where an application for a patent has been abandoned or become void, the provisional specification and drawings (if any) accompanying or left in connection with such application shall not at any time be open to public inspection, or be published by the Registrar.

15. On the acceptance of the complete specification the Registrar shall advertise the acceptance in the "Gazette," and the application and specification or specifications with the drawings (if any) shall be open to public inspection.

16.—(1.) Any person may, at any time within two months from the date of the advertisement of the acceptance of a complete specification, give notice in writing in duplicate at the Patent Office of opposition to the grant of the patent, and shall state in such notice the particular grounds of his objection.

(2.) Where notice of opposition is given, the Registrar shall appoint a day for hearing the opposition, not being earlier than fourteen nor later than twenty-eight days after receiving notice thereof, and shall give notice of the hearing so appointed and of the opposition to the applicant, and shall, after hearing the applicant and the person so giving notice, if desirous of being heard, decide on the case.

(3.) The decision of the Registrar, however, shall be subject to appeal to the Court, which may hear the applicant and any person so giving notice and being, in the opinion of the Court, entitled to be heard in opposition to the grant, and shall determine whether the grant ought or ought not to be made.

17. On the expiration of two months from the date of the acceptance of an application if there is no opposition, or, in case of opposition, if the determination is in favour of the grant of a patent, as soon as the decision is made or given a patent may be granted; and at any time thereafter before the expiration of the term of provisional protection, on application in writing by the applicant or his agent, with payment of the fee thereon, the Registrar shall cause a patent to be prepared for such invention, and the Governor may direct such patent to be sealed with the Seal of the Colony.

18. A patent shall be sealed as soon as may be, and not after the expiration of fifteen months from the date of the application, except in the cases hereinafter mentioned, that is to say:—

(a.) When the sealing is delayed by an appeal to the Court, the patent may be sealed at such time as the Court may direct;

(b.) Where the application for sealing is made before the expiration of the term of provisional protection, but the sealing is delayed through accident, and not from the wilful default of the

applicant, the patent may be sealed at such time as the Governor may direct;

(c.) If the person making the application dies before the expiration of the fifteen months aforesaid, the patent may be granted to his legal representative and sealed at any time within twelve months after the death of the applicant.

19. Notwithstanding anything contained in sections 11, 13, and 18, a complete specification may be left and accepted within such extended times, not exceeding one month and three months respectively after the nine and twelve months respectively mentioned in the aforesaid sections 11 and 13, as the Registrar may, on payment of the prescribed fee, allow; and, where such extension of time has been allowed, a further period of four months after the fifteen months mentioned in section 18 shall be allowed for the sealing of the patent.

Patent.

20. Every patent shall be dated and sealed as of the day of the acceptance of the application.

But no proceedings shall be taken in respect of an infringement committed before the publication of the specification.

In case of more than one application for a patent for the same invention, the sealing of a patent on one of those applications shall not prevent the sealing of a patent on an earlier application.

21. Every patent when sealed shall have effect throughout the colony and its dependencies.

22.—(1.) The term limited in every patent for the duration thereof shall be fourteen years from the date from which it takes effect.

(2.) But every patent shall, notwithstanding anything therein or in this Act, cease if the patentee fails to make the prescribed payments within the prescribed times.

23. Every patent shall be granted for one invention only, but may contain more than one claim; but it shall not be competent for any person in an action or other proceeding to take any objection to a patent on the ground that it comprises more than one invention.

24. Every patent shall be in the form contained in the First Schedule, or to the like effect, and shall be made subject to the provisions of this Act, and to the conditions and restrictions that may be inserted in such patent by virtue thereof.

25. If in any case, by accident, mistake, or inadvertence, an applicant for a patent, or a patentee, fails to make any prescribed payment within the prescribed time, he may apply, on payment of an

application-fee of 1*l.*, to the Registrar for an enlargement of the time for making that payment.

Thereupon the Registrar shall, if satisfied that the failure has arisen from any of the above-mentioned causes, on receipt of the prescribed fee, enlarge the time accordingly, subject to the following conditions :—

(a.) The time for making any payment shall not in any case be enlarged for more than three months :

(b.) If any proceeding shall be taken in respect of an infringement of the patent committed after a failure to make any payment within the prescribed time, and before the enlargement thereof, the Court before which the proceeding is proposed to be taken may, if it shall think fit, refuse to award or give any damages in respect of such infringement.

Provisional Protection.

26. After the acceptance of an application for a patent in respect of an invention, the invention may, during the period between the date of the application and the date of sealing such patent, be used and published without prejudice to the patent to be granted for the same ; and such protection from the consequences of use and publication is in this Act referred to as “ provisional protection.”

27. During the aforesaid term of provisional protection the applicant may, by notice in writing signed by him and delivered or sent by post to the Registrar, abandon his application, and thereupon such protection shall cease.

28. After the acceptance of a complete specification, and until the date of sealing a patent in respect thereof, or the expiration of the time for sealing, the applicant shall have the like privileges and rights as if a patent for the invention had been sealed on the date of the acceptance of the complete specification.

But an applicant shall not be entitled to institute any proceeding for infringement unless and until a patent for the invention has been sealed.

29. In any case where the determination of the Registrar is not in favour of the grant of a patent, the invention for which such patent is sought shall thereupon, or upon the confirmation of such determination if appealed from, cease to be protected.

Amendment of Specification.

30.—(1.) An applicant or a patentee may, from time to time, by request in writing left at the Patent Office, seek leave to amend his specification, including drawings forming part thereof, by way of

disclaimer, correction, or explanation, stating the nature of such amendment and his reasons for the same.

(2.) The request and the nature of such proposed amendment shall be advertised by the Registrar in the "Gazette;" and at any time within one month from its advertisement any person may give notice at the Patent Office of opposition to the amendment.

(3.) Where such notice is given the Registrar shall give notice of the opposition to the applicant or patentee, and shall hear and decide the case subject to an appeal to the Court, which may hear the applicant or patentee and the person so giving notice, and being, in the opinion of the Court, entitled to be heard in opposition to the request, and shall determine whether and subject to what conditions, if any, the amendment ought to be allowed.

(4.) Where no notice of opposition is given or the person so giving notice does not appear the Registrar shall determine whether and subject to what conditions, if any, the amendment ought to be allowed.

(5.) When leave to amend is refused by the Registrar the person making the request may appeal from his decision to the Court, which may hear the person making the request and the Registrar or any person appearing on his behalf, and may make an order determining whether and subject to what conditions, if any, the amendment ought to be allowed.

(6.) No amendment shall be allowed that would make the specification, as amended, claim an invention substantially larger than or substantially different from the invention claimed by the specification as it stood before amendment.

(7.) Leave to amend shall be conclusive as to the right of the party to make the amendment allowed, except in case of fraud; and the amendment shall in all Courts and for all purposes be deemed to form part of the specification.

(8.) The foregoing provisions of this section do not apply when and so long as any action for infringement or other legal proceeding for revocation of a patent is pending.

31. In an action for infringement of a patent, and in a proceeding for revocation of a patent, the Court or a Judge may at any time order that the patentee shall, subject to such terms as to costs and otherwise as the Court or a Judge may impose, be at liberty to apply at the Patent Office for leave to amend his specification by way of disclaimer, and may direct that in the meantime the trial or hearing of the action shall be postponed.

32. Where an amendment by way of disclaimer, correction, or explanation has been allowed under this Act, no damages shall be given in any action in respect of the use of the invention before the disclaimer, correction, or explanation, unless the patentee establishes

to the satisfaction of the Court that his original claim was framed in good faith and with reasonable skill and knowledge.

Compulsory Licences.

33. If on the petition of any person interested it is proved to the Governor that by reason of the default of a patentee to grant licences on reasonable terms—

(a.) The patent is not being worked in the Colony; or

(b.) The reasonable requirements of the public with respect to the invention cannot be supplied; or

(c.) Any person is prevented from working or using to the best advantage an invention of which he is possessed,—

The Governor may order the patentee to grant licences on such terms as to the amount of royalties, security for payment, or otherwise, as the Governor, having regard to the nature of the invention and the circumstances of the case, may deem just, and any such order may be enforced by mandamus.

Extension of Term of Patent.

34.—(1.) A patentee may, after advertising in the “New Zealand Gazette” his intention to do so, present a petition to the Governor, praying that his patent may be extended for a further term; but such petition must be presented at least six months before the time limited for the expiration of the patent.

(2.) Any person may enter a caveat, addressed to the Governor, against the extension.

(3.) If the Governor shall be pleased to refer any such petition and caveat to the Court, the Court shall proceed to consider the same, and the petitioner and any person who has entered a caveat shall be entitled to be heard by himself or by counsel on the petition.

(4.) The Court shall, in considering their decision, have regard to the nature and merits of the invention in relation to the public, to the profits made by the patentee as such, and to all the circumstances of the case.

(5.) If the Court report that the patentee has been inadequately remunerated by his patent the Governor may extend the term of the patent for a further term not exceeding seven, or in exceptional cases fourteen, years; or may order the grant of a new patent for the term therein mentioned, and containing any restrictions, conditions, and provisions that the Court may think fit.

Revocation.

35.—(1.) Revocation of a patent may be obtained on petition to the Court.

(2.) Every ground on which a patent might, at the commencement of this Act, be repealed shall be available by way of defence to an action of infringement, and shall also be a ground of revocation.

(3.) A petition for revocation of a patent may be presented by—

(a.) The Attorney-General;

(b.) Any person authorized by the Attorney-General;

(c.) Any person alleging that the patent was obtained in fraud of his rights, or of the rights of any person under or through whom he claims;

(d.) Any person alleging that he, or any person under or through whom he claims, was the true inventor of any invention included in the claim of the patentee;

(e.) Any person alleging that he, or any person under or through whom he claims an interest in any trade, business, or manufacture, had publicly manufactured, used, or sold within the Colony, before the date of the patent, anything claimed by the patentee as his invention.

(4.) The plaintiff must deliver with his petition particulars of the objections on which he means to rely, and no evidence shall, except by the leave of the Court or a Judge, be admitted in proof of any objection of which particulars are not so delivered.

(5.) Particulars delivered may be from time to time amended by leave of the Court or a Judge.

(6.) The defendant shall be entitled to begin and give evidence in support of the patent, and if the plaintiff gives evidence impeaching the validity of the patent the defendant shall be entitled to reply.

(7.) Upon any such petition the Court may make such order for expunging, vacating, or varying any entry in the Register as to it may seem fit, and may make such order as to costs as it shall think fit.

(8.) Where a patent has been revoked on the ground of fraud, the Registrar may, on the application of the true inventor made in accordance with the provisions of this Act, grant to him a patent in lieu of and taking effect from the same date as the date of revocation of the patent so revoked, but the patent so granted shall cease on the expiration of the term for which the revoked patent was granted.

Crown.

36.—(1.) A patent shall have to all intents the like effect as against Her Majesty the Queen, her heirs and successors, as it has against a subject.

(2.) But the officers or authorities administering any department of the service of the Crown or the Government of the Colony may, by themselves, their agents, contractors, and others, at any time after the application, use the invention for the services of the Crown or the Government of the Colony, on terms to be before or after the use thereof agreed on, with the approval of the Minister having the control of such department, between those officers or authorities and the patentee, or, in default of such agreement, on such terms as may be settled by such Minister after hearing all parties interested.

Legal Proceedings.

37.—(1.) In an action or proceeding for infringement or revocation of a patent the Court may, if it thinks fit, and shall, on the request of either of the parties to the proceeding, call in the aid of an Assessor specially qualified, and try and hear the case wholly or partially with his assistance: the action shall be tried without a jury, unless the Court shall otherwise direct.

(2.) The remuneration, if any, to be paid to an Assessor under this section shall be determined by the Court, and be paid in the same manner as the other expenses of the execution of this Act.

38.—(1.) In an action for infringement of a patent the plaintiff must deliver with his statement of claim, or by order of the Court or the Judge at any subsequent time, particulars of the breaches complained of.

(2.) The defendant must deliver with his statement of defence, or by order of the Court or a Judge at any subsequent time, particulars of any objections on which he relies in support thereof.

(3.) If the defendant disputes the validity of the patent the particulars delivered by him must state on what grounds he disputes it, and if one of those grounds is want of novelty, must state the time and place of the previous publication or user alleged by him.

(4.) At the hearing no evidence shall, except by leave of the Court or a Judge, be admitted in proof of any alleged infringement or objection of which particulars are not so delivered.

(5.) Particulars delivered may be from time to time amended by leave of the Court or a Judge.

(6.) On taxation of costs regard shall be had to the particulars delivered by the plaintiff and by the defendant; and they respectively shall not be allowed any costs in respect of any particular delivered

by them unless the same is certified by the Court or a Judge to have been proven or to have been reasonable and proper, without regard to the general costs of the case.

39. In an action for infringement of a patent the Court or a Judge may, on the application of either party, make such order for an injunction, inspection, or account, and impose such terms and give such directions respecting the same and the proceedings thereon, as the Court or a Judge may see fit.

40. In an action for infringement of a patent the Court or a Judge may certify that the validity of the patent came in question; and if the Court or Judge so certifies, then, in any subsequent action for infringement, the plaintiff in that action, on obtaining a final order or judgment in his favour, shall have his full costs, charges, and expenses as between solicitor and client, unless the Court or Judge trying the action certifies that he ought not to have the same.

41. Where any person claiming to be the patentee of an invention, by circulars, advertisements or otherwise, threatens any other person with any legal proceedings or liability in respect of any alleged manufacture, use, sale, or purchase of the invention, any person or persons aggrieved thereby may bring an action against him, and may obtain an injunction against the continuance of such threats, and may recover such damage (if any) as may have been sustained thereby, if the alleged manufacture, use, sale, or purchase to which the threats related was not in fact an infringement of any legal rights of the person making such threats; but this section shall not apply if the person making such threats with due diligence commences and prosecutes an action for infringement of his patent.

Register of Patents.

42.--(1.) There shall be kept at the Patent Office a book called the Register of Patents, wherein shall be entered the names and addresses of grantees of patents, notifications of assignments and of transmissions of patents, of licences under payments, and of amendments, extensions, and revocations of patents, and such other matters affecting the validity or proprietorship of patents as may from time to time be prescribed.

(2.) The Register of Patents shall be *prima facie* evidence of any matters by this Act directed or authorized to be inserted therein.

(3.) Copies of deeds, licences, and any other documents affecting the proprietorship in any letters patent or in any licence thereunder must be supplied to the Registrar in the prescribed manner for filing in the Patent Office.

Fees.

43. There shall be paid, in respect of applications and grants of patents and other matters under this Part of the Act, the fees mentioned in the Second Schedule to this Act, or such other fees as may be from time to time prescribed by the Governor in Council; and such fees shall be paid into the Public Account and form part of the Consolidated Fund.

Miscellaneous.

44. A patent granted to the true and first inventor shall not be invalidated by an application in fraud of him, or by provisional protection obtained thereon, or by any use or publication of the invention subsequent to that fraudulent application during the period of provisional protection.

45. A patentee may assign his patent for, or grant licences for the use of, the invention protected thereby, in the whole Colony or any place in or part of the Colony.

46. If a patent is lost, or destroyed, or its non-production is accounted for to the satisfaction of the Registrar, the Governor may at any time cause a duplicate thereof to be sealed.

47. The exhibition of an invention at any colonial, intercolonial, or international exhibition held at any place either within or beyond the Colony, and declared by the Governor by notification in the "Gazette" to be an "industrial exhibition" for the purposes of this Act, or the publication of any description of the invention during the period of the holding of the exhibition, or the use of the invention for the purpose of the exhibition in the place where the exhibition is held, or the use of the invention during the period of the holding of the exhibition by any person elsewhere, without the privity or consent of the inventor, shall not prejudice the right of the inventor or his legal personal representative to apply for and obtain provisional protection and a patent in respect of the invention, or the validity of any patent granted on the application, subject as follows, namely,—

In the case of an exhibition held at any place within the Colony—

(a.) The exhibitor must, before exhibiting the invention, give the Registrar notice of his intention to do so; and

(b.) The application for a patent must be made before or within six months from the date of the opening of the exhibition.

In the case of an exhibition held at any place outside the Colony—

The foregoing conditions shall also apply; but the Governor may exempt, either absolutely or upon such terms and conditions as he

shall think fit, any exhibitor from the condition of giving previous notice to the Registrar of his intention to exhibit.

48. The Registrar may at any time require a patentee to furnish him with a model of his invention on payment to the patentee of the cost of the manufacture of the model; the amount to be settled, in case of dispute, by the Controller and Auditor-General.

49.—(1.) A patent shall not prevent the use of an invention for the purposes of the navigation of a foreign vessel within the jurisdiction of the Supreme Court of New Zealand, or the use of an invention in a foreign vessel within that jurisdiction, provided it is not used therein for and in connection with the manufacture or preparation of anything intended to be sold in or exported from New Zealand.

(2.) But this section shall not extend to vessels of any foreign State of which the laws authorize subjects of such foreign State, having patents or like privileges for the exclusive use or exercise of inventions within its territories, to prevent or interfere with the use of such inventions in British vessels while in the ports of such foreign State, or in the waters within the jurisdiction of its Court, where such inventions are not so used for the manufacture or preparation of anything intended to be sold in or exported from the territories of such foreign State.

50.—(1.) Where application is made for a patent for any improvement in instruments or munitions of war, and it is made to appear to the Governor that, in the interest of the public service, the particulars of the invention and of the manner in which it is to be performed should be kept secret, pending a reference to Her Majesty's Principal Secretary of State for the War Department, the Governor may, with the consent of the inventor, direct the Registrar to place the application for such patent, with the specification or specifications and the drawings (if any), and any amendment of the specification or specifications, and any copies of such documents and drawings, in a packet sealed by authority of the Governor, and thereupon all proceedings in relation to the granting of a patent for the said invention shall be suspended.

(2.) At the expiration of nine months from the sealing of the said packet, or at any time before such time, the Governor may direct the Registrar—

(a.) To deliver such sealed packet to any person authorized by the Governor in writing to receive it on behalf of the Secretary of State; or

(b.) To open it, in order that the proceedings for the grant of a patent in respect thereof may be resumed; and thereupon such proceedings shall be resumed as if there had been no interruption therein, and the interval during which the aforesaid packet was

sealed shall not be reckoned as any part of the time between the application for a patent and the granting thereof.

(3.) The communication of any invention for any improvement in instruments or munitions of war to the Secretary of State, or to any person or persons authorized by him to investigate the same or the merits thereof, shall not, nor shall anything done for the purposes of the investigation, be deemed use or publication of such invention so as to prejudice the grant of any patent for the same.

(4.) No person shall be entitled to claim or to receive any compensation in respect of the granting of a patent being delayed by reason of the sealing up thereof for a time in the interest of the public service.

51. The provisions of "The Stamp Act, 1882," shall not apply in respect of documents deposited at the Patent Office and relating to patents, and the granting of letters patent for inventions.

Existing Patents.

52.—(1.) The provisions of this Act relating to applications for patents and proceedings thereon shall have effect in respect only of applications made after the commencement of this Act.

(2.) Every patent granted before the commencement of this Act shall be subject only to the payment of such fees, and at such times, as prescribed by the law in force, at the times respectively when such patents were granted.

(3.) Every patent granted after the commencement of this Act upon an application pending at the time of the said commencement shall be granted subject to the amount and time of payment of fees prescribed by this Act.

(4.) In all other respects this Act shall extend to all patents granted before the commencement of this Act, or on applications then pending, in substitution for such enactments as would have applied thereto if this Act had not been passed.

53. And whereas under Section 14 of "The Patents Act, 1870," certain payments in respect of patents were required to be made within three years after the granting thereof, and by Section 3 of "The Patents Act Amendment Act, 1881," the term of five years was substituted in lieu of the aforesaid term of three years, and doubts have been entertained whether such amendment would have operation in relation to any patents granted at any time previous to the passing of the amending Act aforesaid: To set such doubts at rest—

It is hereby declared that the aforesaid term of five years and the fees required to be paid respectively by "The Patents Act Amendment Act, 1879," and "The Patents Act Amendment Act,

1881," shall be deemed to have applied to all patents granted under "The Patents Act, 1870," in respect whereof the periodical fees hereinabove mentioned had not been paid at the time of the passing of the said Amendment Acts; and all patents granted under "The Patents Act, 1870," in respect whereof the fees have been paid before the expiration of five years from the granting thereof, shall be deemed to have been and to be in full force and effect.

PART III.—*Industrial Designs.*

54.—(1.) The Registrar may, on application by or on behalf of any person claiming to be the proprietor of any new or original design not previously published in New Zealand, register the design under this Part of this Act.

(2.) The application must be made in the form set forth in the First Schedule to this Act, or to the like effect, and must be left at or sent by post to the Patent Office.

(3.) The application must contain a statement of the nature of the design and the class or classes of goods in which the applicant desires that the design be registered.

(4.) The same design may be registered in more than one class.

(5.) In case of doubt as to the class in which a design ought to be registered the Registrar may decide the question.

(6.) The Registrar may, if he thinks fit, refuse to register any design presented to him for registration, but any person aggrieved by any such refusal may appeal therefrom to the Court, which may hear the applicant and the Registrar, and may make an order determining whether, and subject to what conditions, if any, registration is to be permitted.

55.—(1.) On application for registration of a design the applicant shall furnish to the Registrar the prescribed number of copies of drawings, photographs, or tracings of the design sufficient, in the opinion of the Registrar, for enabling him to identify the design; or the applicant may, instead of such copies, furnish exact representations or specimens of the design.

(2.) The Registrar may, if he thinks fit, refuse any drawing, photograph, tracing, representation, or specimen which is not in his opinion suitable for the official records.

56.—(1.) The Registrar shall grant a certificate of registration to the proprietor of the design when registered.

(2.) The Registrar may, in case of loss of the original certificate, or in any other case in which he deems it expedient, grant a copy or copies of the certificate.

57.—(1.) When a design is registered, the registered proprietor

of the design shall, subject to the provisions of this Act, have copyright in the design during five years from the date of registration.

(2.) Before delivery on sale of any articles to which a registered design has been applied, the proprietor must, if exact representations or specimens were not furnished on the application for registration, furnish to the Registrar the prescribed number of exact representations or specimens of the design, and if he fails to do so the Registrar may erase his name from the Register, and thereupon his copyright in the design shall cease.

58. Before delivery on sale of any articles to which a registered design has been applied the proprietor of the design shall cause each such article to be marked with the prescribed mark, or with the prescribed word or words or figures, denoting that the design is registered; and if he fails to do so the copyright in the design shall cease, unless the proprietor shows that he took all proper steps to insure the marking of the article.

59.—(1.) During the existence of copyright in a design, the design shall not be open to inspection except by the proprietor, or a person authorized in writing by the proprietor, or a person authorized by the Registrar or by the Court, and furnishing such information as may enable the Registrar to identify the design, nor except in the presence of the Registrar, or of an officer acting under him, nor except on payment of the prescribed fee; and the person making the inspection shall not be entitled to take any copy of the design, or of any part thereof.

But where registration of a design is refused on the ground of identity with a design already registered, the applicant for registration shall be entitled to inspect the design so registered.

(2.) When the copyright in a design has ceased the design shall be open to inspection, and copies thereof may be supplied to any person on payment of the prescribed fee.

60. On the request of any person producing a particular design, together with its mark of registration, or producing only its mark of registration, or furnishing such information as may enable the Registrar to identify the design, and on payment of the prescribed fee, it shall be the duty of the Registrar to inform such person whether the registration still exists in respect of such design, and, if so, in respect of what class or classes of goods, and stating also the date of registration and the name and address of the registered proprietor.

61. If a registered design is used in manufacture in any foreign country and is not used in this country within six months of its registration in this country, the copyright in the design shall cease.

62.—(1.) There shall be kept at the Patent Office a book called

the Register of Designs, wherein shall be entered the names and addresses of proprietors of registered designs, notifications of assignments, and of transmissions of registered designs, and such other matters as may from time to time be prescribed.

(2.) The Register of Designs shall be *primâ facie* evidence of any matters by this Act directed or authorized to be entered therein.

63. There shall be paid in respect of applications and registration and other matters under this Part of this Act the fees mentioned in the Second Schedule to this Act, or such other fees as may be from time to time prescribed by the Governor in Council; and such fees shall be paid into the Public Account and form part of the Consolidated Fund.

64. The exhibition at any colonial, intercolonial, or international exhibition held at any place within or beyond the colony, and declared by the Governor, by notification in the "Gazette," to be an "industrial exhibition" for the purposes of this Act, or the exhibition elsewhere during the period of the holding of the exhibition, without the privity or consent of the proprietor, of a design, or of any article to which a design is applied, or the publication, during the holding of any such exhibition, of a description of a design, shall not prevent the design from being registered, or invalidate the registration thereof, subject as follows, namely:

In the case of an exhibition held at any place within the Colony—

(a.) The exhibitor must, before exhibiting the design or article, or publishing a description of the design, give the Registrar notice of his intention to do so; and

(b.) The application for registration must be made before or within six months from the date of the opening of the exhibition.

In the case of an exhibition held at any place beyond the Colony—

The foregoing conditions shall also apply, but the Governor may exempt, either absolutely or upon such terms and conditions as he shall think fit, any exhibitor from the condition of giving previous notice to the Registrar of his intention to exhibit.

Legal Proceedings.

65. During the existence of copyright in any design—

(a.) It shall not be lawful for any person without the licence or written consent of the registered proprietor to apply, or cause to be applied, such design or any fraudulent or obvious imitation thereof, in the class or classes of goods in which such design is registered, for purposes of sale to any article of manufacture or to any

substance, artificial or natural or partly artificial and partly natural; and

(b.) It shall not be lawful for any person to publish or expose for sale any article of manufacture or any substance to which such design or any fraudulent or obvious imitation thereof is so applied, - knowing that the same has been so applied without the consent of the registered proprietor.

Every person who acts in contravention of this section is liable for every offence to forfeit a sum not exceeding 50*l.* to the registered proprietor of the design, who may recover such sum in a summary way as a simple contract debt by action in any Court of competent jurisdiction.

But the total sum forfeited in respect of any one design shall not exceed 100*l.*

66. Notwithstanding the remedy given by this Act for the recovery of such penalty as aforesaid, the registered proprietor of any design may, if he elects to do so, bring an action for the recovery of any damages arising from the application of any such design or of any fraudulent or obvious imitation thereof for the purpose of sale, to any article of manufacture or substance, or from the publication, sale, or exposure for sale by any person of any article or substance to which such design or any fraudulent or obvious imitation thereof is so applied, such person knowing that the proprietor had not given his consent to such application.

67. The author of any new or original design shall be considered the proprietor thereof, unless he executed the work on behalf of another person for a good or valuable consideration, in which case such person shall be considered the proprietor; and every person acquiring for a good or valuable consideration a new and original design, or the right to apply the same to any such article or substance as aforesaid, either exclusively of any other person or otherwise, and also every person on whom the property in such design or such right to the application thereof shall devolve, shall be considered the proprietor of the design in the respect in which the same may have been so acquired, and to that extent, but not otherwise.

PART IV.—*Trade-marks.*

Registration of Trade-marks.

68.—(1.) The Registrar may, on application by or on behalf of any person claiming to be the proprietor of a trade-mark, register the trade-mark.

(2.) The application must be made in the form set forth in the First Schedule to this Act, or in such other form as may be from

time to time prescribed, and must be left at, or sent by post to, the Patent Office.

(3.) The application must be accompanied by not less than four representations of the trade-mark, or such other number thereof as may be prescribed from time to time, and must state the particular goods or classes of goods in connection with which the applicant desires the trade-mark to be registered.

(4.) The Registrar may, if he thinks fit, refuse to register a trade-mark, but any such refusal shall be subject to appeal to the Court, which may hear the applicant and the Registrar, and may make an order determining whether, and subject to what conditions, if any, registration is to be permitted.

(5.) Where an applicant for the registration of a trade-mark is out of the Colony at the time of making the application he shall give the Registrar an address for service in the Colony, and if he fails to do so the application shall not be proceeded with until the address has been given.

69. Where registration of a trade-mark has not been or shall not be completed within twelve months from the date of the application, by reason of default on the part of the applicant, the Registrar shall give notice of the non-completion to the agent employed on behalf of the applicant, and if, at the expiration of fourteen days from that notice the registration is not completed, shall give the like notice to the applicant; and if at the expiration of the latter fourteen days, or such further time as the Registrar may in special cases permit, the registration is not completed, the application shall be deemed to be abandoned.

70.—(1.) For the purposes of this Act a trade-mark must consist of or contain at least one of the following essential particulars:—

(a.) A name of an individual or firm printed, impressed, or woven in some particular and distinctive manner; or

(b.) A written signature or copy of a written signature of the individual or firm applying for registration thereof as a trade-mark; or

(c.) A distinctive device, mark, brand, heading, label, or ticket; or

(d.) An invented word or words; or

(e.) A word having no reference to the character or quality of goods, and not being a geographical name.

(2.) There may be added to any one or more of the essential particulars mentioned in this section any letters, words, or figures, or combination of letters, words, or figures, or of any of them, but the applicant for registration of any such additional matter must state in his application the essential particulars of the trade-mark, and must disclaim in his application any right to the exclusive use of the added matter, and a copy of the statement and disclaimer shall be added on the register.

(3.) Provided as follows—

(a.) A person need not under this section disclaim his own name or the foreign equivalent thereof, or his place of business, but no entry of any such name shall affect the right of any owner of the same name to use that name or the foreign equivalent thereof;

(b.) Any special and distinctive word or words, letter, figure, or combination of letters or figures, or of letters and figures, used as a trade-mark before the commencement of this Act, may be registered as a trade-mark under this Part of this Act.

71. A trade-mark must be registered for particular goods or classes of goods.

72. No trade-mark shall be registered for artificial manures manufactured in the Colony unless accompanied by a chemical analysis setting forth the component parts of the substance of such manure.

Every such analysis shall be in writing made by a competent analytical chemist, and signed by him, stating after his signature his qualifications as such chemist, and his signature thereto shall be attested by at least one witness.

A copy of the said analysis shall, before sale or exportation, be indorsed on or affixed to every bag, box, or other parcel of the manure to which such trade-mark is attached, and shall be deemed to form part of such trade-mark.

73. When a person claiming to be the proprietor of several trade-marks which, while resembling each other in the material particulars thereof, yet differ in respect of (a) the statement of the goods for which they are respectively used or proposed to be used, or (b) statements of numbers, or (c) statements of price, or (d) statements of quality, or (e) statements of names of places, seeks to register such trade-marks, they may be registered as a series in one registration. A series of trade-marks shall be assignable and transmissible only as a whole, but for all other purposes each of the trade-marks composing a series shall be deemed and treated as registered separately.

74. A trade-mark may be registered in any colour or colours, and such registration shall, subject to the provisions of this Act, confer on the registered owner the exclusive right to use the same in that or any other colour or colours.

75. Every application for registration of a trade-mark under this Part of this Act shall, as soon as may be after its receipt, be advertised by the Registrar in the "New Zealand Gazette" unless the Registrar refuse to entertain the application.

76.—(1.) Any person may, within two months, or such further time as the Registrar may allow, of the advertisement of the application, give notice in duplicate at the Patent Office of opposition to

the registration of the trade-mark, and the Registrar shall send one copy of such notice to the applicant.

(2.) Within two months after receipt of such notice, or such further time as the Registrar may allow, the applicant may send to the Registrar a counter-statement in duplicate of the grounds on which he relies for his application, and if he does not do so shall be deemed to have abandoned his application.

(3.) If the applicant sends such counter-statement the Registrar shall furnish a copy thereof to the person who gave notice of opposition, and shall, after hearing the applicant and the opponent, if so required, decide whether the trade-mark is to be registered, but his decision shall be subject to appeal to the Supreme Court, who shall hear the appeal, and after hearing the applicant and the opponent, and the Registrar, may make an order determining whether, and subject to what conditions (if any), registration is to be permitted.

(4.) If the applicant abandons his application after notice of opposition in pursuance of this section, he shall be liable to pay to the opponent such costs in respect of the opposition as the Registrar may determine to be reasonable.

(5.) When the opponent is out of the Colony he shall give the Registrar an address for service in the Colony.

77. A trade-mark, when registered, shall be assigned and transmitted only in connection with the good-will of the business concerned in the particular goods or classes of goods for which it has been registered, and shall be determinable with that good-will.

78. Where each of several persons claim to be registered as proprietor of the same trade-mark the Registrar may refuse to register any of them until their rights have been determined according to law, and the Registrar may himself submit or require the claimants to submit their rights to the Court.

79.—(1.) Except where the Court has decided that two or more persons are entitled to be registered as proprietors of the same trade-mark, the Registrar shall not register in respect of the same goods or description of goods a trade-mark identical with one already on the register with respect to such goods or description of goods.

(2.) Except as aforesaid, the Registrar shall not register with respect to the same goods or description of goods a trade-mark having such resemblance to a trade-mark already on the register with respect to such goods or description of goods as to be calculated to deceive.

80. It shall not be lawful to register as part of or in combination with a trade-mark any words the use of which would, by reason of their being calculated to deceive or otherwise, be deemed

disentitled to protection in a Court of Justice, or any scandalous design.

81.—(1.) Nothing in this Act shall be construed to prevent the Registrar entering on the register in the prescribed manner, and subject to the prescribed conditions, as an addition to any trade-mark—

(a.) In the case of an application for registration of a trade-mark used before the commencement of this Act—

Any distinctive device, mark, brand, heading, label, ticket, letter, word, or figure, or combination of letters, words or figures, though the same is common to the trade in the goods with respect to which the application is made ;

(b.) In the case of an application for registration of a trade-mark not used before the commencement of this Act—

Any distinctive word or combination of words, though the same is common to the trade in the goods with respect to which the application is made.

(2.) The applicant for registration of any such addition must, however, state in his application the essential particulars of the trade-mark, and must disclaim in his application any right to the exclusive use of the added matter, and a copy of the statement and disclaimer shall be entered on the register.

But a person need not under this section disclaim his name, or the foreign equivalent thereof, or his place of business, but no entry of any such name shall affect the right of any owner of the same name to use that name, or the foreign equivalent thereof.

(3.) Any device, mark, brand, heading, label, ticket, letter, word, figure, or combination of letters, words, or figures, which was or were before the commencement of this Act publicly used by more than three persons on the same or a similar description of goods shall, for the purposes of this section, be deemed common to the trade in such goods.

Effect of Registration.

82. Application for registration of a trade-mark shall be deemed to be equivalent to public use of the trade-mark.

83. The registration of a person as proprietor of a trade-mark shall be *primâ facie* evidence of his right to the exclusive use of the trade-mark, and shall, after the expiration of five years from the date of the registration be conclusive evidence of his right to the exclusive use of the trade-mark, subject to the provisions of this Act.

84.—(1.) A person shall not be entitled to institute any proceedings to prevent or to recover damages for the infringement of a

trade-mark unless, in the case of a trade-mark capable of being registered under this Act, it has been registered in pursuance of this Act, or of an enactment repealed by this Act, or, in the case of any other trade-mark in use before the commencement of this Act, registration thereof under this Part of this Act, or of an enactment repealed by this Act, has been refused. The Registrar may, on request, and on payment of the prescribed fee, grant a certificate that such registration has been refused.

(2.) In an action for infringement of a registered trade-mark the Court or a Judge may certify that the right to the exclusive use of the trade-mark came in question, and if the Court or a Judge so certifies, then in any subsequent action for infringement the plaintiff in that action, on obtaining a final order or judgment in his favour, shall have his full costs, charges, and expenses, as between solicitor and client, unless the Court or Judge trying such subsequent action certifies that he ought not to have the same.

Register of Trade-marks.

85. There shall be kept at the Patent Office a book called the Register of Trade-marks, wherein shall be entered the names and addresses of proprietors of registered trade-marks, notifications of assignments and of transmissions of trade-marks, and such other matters as may be from time to time prescribed.

The Registrar shall grant a certificate of registration to the applicant for the registration of a trade-mark, when registered, without further fee than the registration-fee.

A copy or duplicate of any such certificate may be issued by the Registrar from time to time to any person applying for the same, on payment of the prescribed fee.

86.—(1.) At a time not being less than two months nor more than three months before the expiration of fourteen years from the date of the registration of a trade-mark, the Registrar shall send notice to the registered proprietor that the trade-mark will be removed from the register unless the proprietor pays to the Registrar before the expiration of such fourteen years (naming the date at which the same will expire) the prescribed fee; and if such fee be not previously paid he shall, at the expiration of one month from the date of the giving of the first notice, send a second notice to the same effect.

(2.) If such fee be not paid before the expiration of such fourteen years, the Registrar may, after the end of three months from the expiration of such fourteen years, remove the mark from the register, and so from time to time at the expiration of every period of fourteen years.

(3.) If before the expiration of the said three months the registered proprietor pays the said fee together with the additional prescribed fee, the Registrar may, without removing such trade-mark from the register, accept the said fee as if it had been paid before the expiration of the said fourteen years.

(4.) Where after the said three months a trade-mark has been removed from the register for non-payment of the prescribed fee, the Registrar may, if satisfied that it is just so to do, restore such trade-mark to the register on payment of the prescribed additional fee.

(5.) Where a trade-mark has been removed from the register for non-payment of the fee or otherwise, such trade-mark shall nevertheless, for the purpose of any application for registration during one year next after the date of such removal, be deemed to be a trade-mark which is already registered, unless it is [shown to the satisfaction of the Registrar that the non-payment of the fee arises from the death or bankruptcy of the registered proprietor, or from his having ceased to carry on business, and no person claiming under that proprietor or under his bankruptcy is using the trade-mark.

Existing Trade-marks.

87. All trade-marks duly registered under any Act hereby repealed shall be deemed to be registered under this Act as from the day of the commencement thereof, without prejudice however to the order of priority in which they were respectively registered, and shall be renewed before the expiration of fourteen years from the aforesaid commencement, in accordance with the provisions of the last preceding section, and subject to the same notices and the payment of the same fees as in the said section mentioned.

Fees.

88. There shall be paid in respect of registration and renewals of trade-marks and other matters under this Part of this Act the fees mentioned in the Second Schedule to this Act, or such other fees in respect thereof as may be from time to time prescribed by the Governor in Council; and such fees shall be paid into the Public Account, and form part of the consolidated revenue.

Offences and Legal Proceedings.

89.—(1.) Every person who—

(a.) Forges any trade-mark; or

- (b.) Falsely applies to goods any trade-mark or any mark so nearly resembling a trade-mark as to be calculated to deceive; or
- (c.) Makes any die, block, machine, or other instrument for the purpose of forging or of being used for forging a trade-mark; or
- (d.) Applies any false trade description to goods; or
- (e.) Disposes of or has in his possession any die, block, machine, or other instrument for the purpose of forging a trade-mark; or
- (f.) Falsely represents that the goods offered for sale have been manufactured or made in the Colony; or
- (g.) Applies or uses the word "colonial," or any similar word or words, to any goods not manufactured in the Colony; or
- (h.) Uses any word, mark, or sign tending to mislead any person as to the real or actual manufacturer or maker of goods, or the place where such goods have been made or manufactured; or
- (i.) Causes any of the things above in this section mentioned to be done,—

Shall, subject to the provisions of this Act, and unless he proves that he acted without intent to defraud, be guilty of an offence against this Act.

(2.) Every person who sells, or exposes for or has in his possession for sale, or any purpose of trade or manufacture, any goods or things to which any forged trade-mark or false trade description is applied, or to which any trade-mark or mark so nearly resembling a trade-mark as to be calculated to deceive is falsely applied, as the case may be, shall, unless he proves—

(a.) That, having taken all reasonable precautions against committing an offence against this Act, he had at the time of the commission of the alleged offence no reason to suspect the genuineness of the trade-mark, mark, or trade description; and

(b.) That, on demand made by or on behalf of the prosecutor, he gave all the information in his power with respect to the persons from whom he obtained such goods or things; or

(c.) That otherwise he had acted innocently,—

Be guilty of an offence against this Act.

(3.) Every person guilty of an offence against this Part of this Act is liable—

(a.) On conviction on indictment, to imprisonment, with or without hard labour, for a term not exceeding two years, or to fine, or to both imprisonment and fine; and

(b.) On summary conviction, to imprisonment with or without hard labour, for a term not exceeding four months, or to a fine not exceeding 20*l.*, and in the case of a second or subsequent conviction to imprisonment, with or without hard labour, for a term not exceeding six months, or to a penalty not exceeding 50*l.*; and

(c.) In any case to forfeit to Her Majesty every chattel, article,

instrument, or thing by means of or in relation to which the offence has been committed.

(4.) The Court before whom any person is convicted under this section may order any forfeited articles to be destroyed or otherwise disposed of as the Court thinks fit; and if sold the proceeds of the sale shall be applied in the like manner as if the proceeds were a penalty incurred under this Act.

(5.) If any person feels aggrieved by any conviction made by a Court of summary jurisdiction he may appeal therefrom in manner as provided in cases of appeals from Justices.

(6.) Any person charged with an offence under this section before a Court of Summary Jurisdiction shall, on appearing before the Court, and before the charge is gone into, be informed of his right to be tried on indictment, and if he requires be so tried accordingly.

90.—(1.) For the purposes of this Part of this Act—

The expression “trade description” means any description, statement, or other indication, direct or indirect—

(a.) As to the number, quantity, measure, gauge, or weight of any goods; or

(b.) As to the place or country, or, if a Colony, the name of the particular Colony in which any goods, and the material or substance thereof, were made or produced; or

(c.) As to the mode of manufacturing or producing any goods; or

(d.) As to the material or substance of which any goods are composed; or

(e.) As to any goods being the subject of an existing patent, privilege, or copyright;

And the use of any figure, word, or mark which, according to the custom of the trade, is commonly taken to be an indication of any of the above matters, shall be deemed to be a trade description within the meaning of this Act;

The expression “false trade description” means a trade description which is false in a material respect as regards the goods to which it is applied, and includes every alteration of a trade description, whether by way of addition, effacement, or otherwise, where that alteration makes the description false in a material respect; and the fact that a trade description is a trade-mark, or part of a trade-mark, shall not prevent such trade description being a false trade description within the meaning of this Act;

The expression “goods” means anything which is the subject of trade, manufacture, or merchandize;

The expressions “persons,” “manufacturer, dealer, or trader,” and “proprietor” include any body of persons corporate or unincorporate, and any servant or employé;

The expression "name" includes any abbreviation of a name.

(2.) The provisions of this Act respecting the application of a false trade description to goods shall extend to the application to goods of any such figures, words, or marks, or arrangement or combination thereof, whether including a trade-mark or not, as are reasonably calculated to lead persons to believe that the goods are the manufacture or merchandize of some person other than the person whose manufacture or merchandize they really are.

(3.) The provisions of this Act respecting the application of a false trade description to goods, or respecting goods to which a false trade description is applied, shall extend to the application to goods of any false name or initials of a person, and to goods with the false name or initials of a person applied, in like manner as if such name or initials were a trade description; and for the purpose of this enactment the expression "false name or initials" means, as applied to any goods, any name or initials of a person which—

(a.) Are not a trade-mark, or part of a trade-mark; and

(b.) Are identical with or a colourable imitation of, the name or initials of a person carrying on business in connection with goods of the same description, and not having authorized the use of such name or initials; and

(c.) Are either those of a fictitious person or of some person not *bonâ fide* carrying on business in connection with such goods.

91. A person shall be deemed to forge a trade-mark who either—

(a.) Without the assent of the proprietor of the trade-mark makes that trade-mark or a mark so nearly resembling that trade-mark as to be calculated to deceive; or

(b.) Falsifies any genuine trade-mark, whether by alteration, addition, effacement, or otherwise;

And any trade-mark or mark so made or falsified is in this Act referred to as a forged trade-mark.

In any prosecution for forging a trade-mark the burden of proving the assent of the proprietor shall lie on the defendant

92.—(1.) A person shall be deemed to apply a trade-mark, or mark, or trade description to goods who—

(a.) Applies it to the goods themselves; or

(b.) Applies it to any covering, label, reel, or other thing in or with which the goods are sold or exposed or had in possession for any purpose of sale, trade, or manufacture; or

(c.) Places, encloses, or annexes any goods which are sold or exposed or had in possession for any purpose of sale, trade, or manufacture, in, with, or to any covering, label, reel, or other thing to which a trade-mark or trade description has been applied; or

(d.) Uses a trade-mark, or mark, or trade description in any manner calculated to lead to the belief that the goods in connection

with which it is used are designated or described by that trade-mark, or mark, or trade description.

(2.) The expression "covering" includes any stopper, cask, bottle, vessel, box, cover, capsule, case, frame, or wrapper; and the expression "label" includes any band or ticket.

A trade-mark, or mark, or trade description shall be deemed to be applied whether it is woven, impressed, or otherwise worked into, or annexed or affixed to the goods, or to any covering, label, reel, or other thing.

(3.) A person shall be deemed to falsely apply to goods a trade-mark or mark who without the assent of the proprietor of a trade-mark applies such trade-mark, or a mark so nearly resembling it as to be calculated to deceive; but in any prosecution for falsely applying a trade-mark or mark to goods the burden of proving the assent of the proprietor shall lie on the defendant.

93. Where a defendant is charged with making any die, block, machine, or other instrument for the purpose of forging, or being used for forging, a trade-mark, or with falsely applying to goods any trade-mark, or any mark so nearly resembling a trade-mark as to be calculated to deceive; or with applying to goods any false trade description, or causing any of the things in this section mentioned to be done, and proves—

(a.) That in the ordinary course of his business he is employed, on behalf of other persons, to make dies, blocks, machines, or other instruments for making, or being used in making, trade-marks, or, as the case may be, to apply marks or descriptions to goods, and that in the case which is the subject of the charge he was so employed by some person resident in the Colony, and was not interested in the goods by way of profit or commission dependent on the sale of such goods; and

(b.) That he took reasonable precautions against committing the offence charged; and

(c.) That he had at the time of the commission of the alleged offence no reason to suspect the genuineness of the trade-mark, mark, or description; and

(d.) That he gave to the prosecutor all the information in his power with respect to the persons on whose behalf the trade-mark, mark, or trade description was applied,—

He shall be discharged from the prosecution, but shall be liable to pay the costs incurred by the prosecutor, unless he has given due notice to him that he will rely on the above defence.

94. Where a watch-case has thereon any words or marks which constitute, or are by common repute considered as constituting, a description of the country in which the watch was made, and the watch bears no description of the country where it was made, those

words or marks shall *primâ facie* be deemed to be a description of that country within the meaning of this Act, and the provisions of this Act with respect to goods to which a false trade description has been applied, and with respect to selling or exposing for or having in possession for sale, or any purpose of trade or manufacture, goods with a false trade description, shall apply accordingly, and for the purposes of this section the expression "watch" means all that portion of a watch which is not the watch-case.

95. In any indictment, pleading, proceeding, or document in which any trade-mark or forged trade-mark is intended to be mentioned it shall be sufficient, without further description and without any copy or facsimile, to state that trade-mark or forged trade-mark to be a trade-mark or forged trade-mark.

96. In any prosecution for an offence against this Part of this Act—

(1.) A defendant, and his wife or her husband, as the case may be, may, if the defendant thinks fit, be called as a witness, and, if called, shall be sworn and examined, and may be cross-examined and re-examined in like manner as any other witness.

(2.) In the case of imported goods, evidence of the port of shipment shall be *primâ facie* evidence of the place or country in which the goods were made or produced.

97. Every person who, being within the Colony, procures, counsels, aids, abets, or is accessory to the commission, without the Colony, of any act which, if committed in the Colony, would under this Act be a misdemeanour, shall be guilty of that misdemeanour as a principal, and be liable to be indicted, proceeded against, tried, and convicted in any place in the Colony in which he may be, as if the misdemeanour had been there committed.

98.—(1.) Where, upon information of an offence against this Part of this Act, a Justice has issued either a summons requiring the defendant charged by such information to appear to answer the same or a warrant for the arrest of such defendant, and either the said Justice on or after issuing the summons or warrant, or any other Justice, is satisfied by information on oath that there is reasonable cause to suspect that any goods or things by means of or in relation to which such offence has been committed are in any house or premises of the defendant, or otherwise in his possession or under his control in any place, such Justice may issue a warrant under his hand by virtue of which it shall be lawful for any constable named or referred to in the warrant to enter such house, premises, or place at any reasonable time by day, and to search there for and seize and take away those goods or things; and any goods or things seized under any such warrant shall be brought before a Court of summary jurisdiction for the purpose of

its being determined whether the same are or are not liable to forfeiture under this Act.

(2.) If the owner of any goods or things which, if the owner thereof had been convicted, would be liable to forfeiture under this Act is unknown or cannot be found, an information or complaint may be laid for the purpose only of enforcing such forfeiture, and a Court of summary jurisdiction may cause notice to be advertised stating that, unless cause is shown to the contrary at the time and place named in the notice, such goods or things will be forfeited, and at such time and place the Court, unless the owner or any person on his behalf, or other person interested in the goods or things, shows cause to the contrary, may order such goods or things or any of them to be forfeited.

(3.) Any goods or things forfeited under this section, or under any other provision of this Part of this Act, may be destroyed or otherwise disposed of in such manner as the Court by which the same are forfeited may direct, and the Court may, out of any proceeds which may be realised by the disposition of such goods (all trade-marks and trade descriptions being first obliterated), award to any innocent party any loss he may have innocently sustained in dealing with such goods.

99. "The Vexatious Indictments Act, 1870," shall apply to any offence punishable on indictment under this Act in like manner as if such offence were one of the offences specified in section 2 of that Act.

100. On any prosecution under this Part of this Act the Court may order costs to be paid to the defendant by the prosecutor, or to the prosecutor by the defendant, having regard to the information given by and the conduct of the defendant and prosecutor respectively.

101. No prosecution for an offence against this Part of this Act shall be commenced after the expiration of three years next after the commission of the offence, or one year next after the first discovery thereof by the prosecutor, whichever expiration first happens.

102. On the sale or in the contract for the sale of any goods to which a trade-mark, or mark, or trade description has been applied, the vendor shall be deemed to warrant that the mark is a genuine trade-mark and not forged or falsely applied, or that the trade description is not a false trade description within the meaning of this Act, unless the contrary is expressed in some writing signed by or on behalf of the vendor and delivered at the time of the sale or contract to and accepted by the vendee.

103. Where, at the commencement of this Act, a trade description is lawfully and generally applied to goods of a particular class, or manufactured by a particular method, to indicate the particular

class or method of manufacture of such goods, the provisions of this Act with respect to false trade descriptions shall not apply to such trade description when so applied.

But where such trade description includes the name of a place or country, and is calculated to mislead as to the place or country where the goods to which it is applied were actually made or produced, and the goods are not actually made or produced in that place or country, this section shall not apply unless there is added to the trade description, immediately before or after the name of that place or country, in an equally conspicuous manner with that name, the name of the place or country, or, if a Colony, the name of the particular Colony in which the goods and the material or substance thereof were actually made or produced, with a statement that they were made or produced there.

104. Whereas it is expedient to make further provision for prohibiting the importation of goods which if sold would be liable to forfeiture under this part of this Act :

Be it therefore enacted as follows :—

(1.) All such goods, and also all goods of foreign manufacture bearing any name or trade-mark being or purporting to be the name or trade-mark of any manufacturer, dealer, or trader in the United Kingdom, or New Zealand, or any other British possession, unless such name or trade-mark is accompanied by a definite indication of the country in which the goods were made or produced, are hereby prohibited to be imported into the Colony, and, subject to the provisions of this section, shall be included among goods prohibited to be imported as if they were specified in section 66 of “The Customs Laws Consolidation Act, 1882.”

(2.) Where there is on any goods a name which is identical with, or a colourable imitation of, the name of a place in the United Kingdom, or New Zealand, or any other British possession, that name, unless accompanied by the name of the country in which such place is situate, shall be treated for the purposes of this section as if it were the name of a place in the United Kingdom, or New Zealand, or other British possession, as the case may be.

(3.) Before detaining any such goods, or taking any further proceedings with a view to the forfeiture thereof under the Customs Acts, the Commissioner of Trade and Customs may require the regulations under this section, whether as to information, security, conditions, or other matters, to be complied with, and may satisfy himself, in accordance with those regulations, that the goods are such as are prohibited by this section to be imported.

(4.) The aforesaid Commissioner may from time to time make, revoke, and vary regulations, either general or special, respecting the detention and forfeiture of goods the importation of which is

prohibited by this section, and the conditions, if any, to be fulfilled before such detention and forfeiture, and may by such regulations determine the information, notices, and security to be given, and the evidence requisite for any of the purposes of this section, and the mode of verification of such evidence.

(5.) Such regulations may apply to all goods the importation of which is prohibited by this section, or different regulations may be made respecting different classes of such goods or of offences in relation to such goods.

(6.) The regulations may provide for the informant reimbursing the Commissioner of Trade and Customs all expenses and damages incurred in respect of any detention made on his information, and of any proceedings consequent on such detention.

(7.) All regulations under this section shall be published in the "New Zealand Gazette."

(8.) This section shall have effect as if it were part of "The Customs Laws Consolidation Act, 1882."

105.—(1.) This Act shall not exempt any person from any action, suit, or other proceeding which might, but for the provisions of this Act, be brought against him.

(2.) Nothing in this Act shall entitle any person to refuse to make a complete discovery or to answer any question or interrogatory in any action, but such discovery or answer shall not be admissible in evidence against such person in any prosecution for an offence against this Act.

(3.) Nothing in this Act shall be construed so as to render liable to any prosecution or punishment any servant of a master resident in the Colony who *bonâ fide* acts in obedience to the instructions of such master, and, on demand made by or on behalf of the prosecutor, has given full information as to his master.

PART V.—*International and Intercolonial Arrangements.*

106.—(1.) If Her Majesty is pleased, by Order in Council, to apply the provisions of section 103 of the Imperial Act called "The Patents, Designs, and Trade-marks Act, 1883,"* to the Colony of New Zealand, then any person who has applied for any protection for any invention, design, or trade-mark, in England or in any foreign State, with the Government of which Her Majesty has made an arrangement under the said section for mutual protection of inventions, designs, or trade-marks, or any of them, shall be entitled to a patent for his invention, or to registration of his design or trade-mark, as the case may be, under this Act, in priority to other applicants; and such patent or registration shall take effect from the same date as

the date of the application in England or such foreign State, as the case may be:

Provided that his application is made, in the case of a patent, within twelve months, and in the case of a design or trade-mark, within six months, from his applying for protection in England or the foreign State with which the arrangement is in force.

Nothing in this section contained shall entitle the patentee or proprietor of the design or trade-mark to recover damages for infringements happening prior to the date of the actual acceptance of his specification, or the actual registration of his design or trade-mark in this Colony, as the case may be.

(2.) The publication in New Zealand, during the respective periods aforesaid, of any description of the invention, or the use therein during such periods of the invention, or the exhibition or use therein during such periods of the design, or the publication therein during such periods of a description or representation of the design, or the use therein during such periods of the trade-mark, shall not invalidate the patent which may be granted for the invention or the registration of the design or trade-mark.

(3.) The application for the grant of a patent, or the registration of a design, or the registration of a trade-mark under this section, must be made in the same manner as an ordinary application under this Act; but, in the case of trade-marks, any trade-mark the registration of which has been duly applied for in the country of origin may be registered under this Act.

(4.) The provisions of this section shall, in the case of foreign States, apply only in the case of those foreign States with respect to which Her Majesty shall from time to time, by Order in Council, declare the provisions of the aforesaid section of the said Imperial Act to be applicable, and so long only in the case of each State as the Order in Council shall continue in force with respect to that State.

107.—(1.) Where it is made to appear to the Governor in Council that the Legislature of any British possession other than New Zealand has made satisfactory provision for the protection of inventions, designs, and trade-marks, or any of them, patented or registered in New Zealand, the Governor may from time to time, by Order in Council, apply all or any of the provisions of the last-preceding section relating to the protection of inventions, designs, and trade-marks patented or registered in England, with such variations or additions, if any, as to the Governor in Council may seem fit, to inventions, designs, and trade-marks, or any of them, patented or registered in such British possession.

(2.) An Order in Council under this section shall, from a date to be mentioned for the purpose in the Order, take effect as if its

provisions had been contained in this Act; but the Governor in Council may revoke any such Order in Council.

PART VI.—*General.*

Proceedings at Patent Office.

108. There shall be a seal for the Patent Office, and impressions thereof shall be judicially noticed and admitted in evidence.

109. There shall not be entered in any register kept under this Act, or be receivable by the Registrar, any notice of any trust expressed, implied, or constructive.

110. The Registrar may refuse to receive an application for, or to grant a patent for, an invention, or to register a design or trade-mark of which the use would, in his opinion, be contrary to law or morality, or if he knows that the alleged invention, design, or trade-mark is not new; and on such refusal any provisional protection which may have been given or obtained shall cease.

111. Where a person becomes entitled by assignment, transmission, or other operation of law to a patent, or to the copyright in a registered design, or to a registered trade-mark, the Registrar shall, on request, and on proof of title to his satisfaction, cause the name of such person to be entered as proprietor of the patent, copyright in the design, or trade-mark, in the Register of Patents, Designs, or Trade-marks, as the case may be. The person for the time being entered in the Register of Patents, Designs, or Trade-marks, as proprietor of a patent, copyright in a design, or trade-mark, as the case may be, shall, subject to the provisions of this Act and to any rights appearing from such register to be vested in any other person, have power absolutely to assign, grant licences as to, or otherwise deal with, the same, and to give effectual receipts for any consideration for such assignment, licence, or dealing: But any equities in respect of such patent, design, or trade-mark may be enforced in like manner as in respect of any other personal property.

112. Every register kept under this Act shall at all convenient times be open to the inspection of the public, subject to the provisions of this Act and to such regulations as may be prescribed; and certified copies, sealed with the seal of the Patent Office, of any entry in any such register shall be given to any person requiring the same on payment of the prescribed fee.

113. Printed or written copies or extracts, purporting to be certified by the Registrar and sealed with the seal of the Patent Office, of or from patents, specifications, disclaimers, and other documents in the Patent Office, and of or from registers and other books kept there, shall be admitted in evidence in all Courts of

justice, and before all justices, commissioners, and other persons acting in any judicial or administrative capacity, and in all proceedings, without further proof or production of the originals.

114. A certificate purporting to be under the hand of the Registrar as to an entry, matter, or thing which he is authorized by this Act, or any general rules made thereunder, to make or do, shall be *prima facie* evidence of the entry having been made, and of the contents thereof, and of the matter or thing having been done or left undone.

115. Every appeal from any action or decision of the Registrar shall be heard and determined by the Court sitting at Wellington.

Notice of every appeal from any action or decision of the Registrar shall be given in writing to such Registrar or sent so as to reach him within twenty-four hours of the time when the same was taken or given.

116.—(1.) The Court,—

(a.) On the application of any person aggrieved by the omission, without sufficient cause, of the name of any person or of any other particulars from any register kept under this Act, or by any entry made, without sufficient cause, in any such register, may make such order for making, expunging, or varying the entry as the Court thinks fit; or the Court may refuse the application; or

(b.) On the petition of any person by way of appeal from any decision of the Registrar, where such appeal is granted under any provisions of this Act, may hear the matter of such petition, and may confirm, vary, or revoke any decision of the Registrar, or make such other order in the matter as to it may seem fit.

(2.) The Court may, in any proceeding under this section, decide any question that it may be necessary or expedient to decide for the rectification of a register, and may direct an issue to be tried for the decision of any question of fact, and may award damages to the party aggrieved.

(3.) Any order of the Court rectifying a register shall direct that due notice of the rectification be given to the Registrar; and on production to him of any such order the Registrar shall rectify the register in accordance with the said order.

117. The Judges of the Supreme Court, or any two of them, may make, from time to time, rules of procedure and practice for regulating proceedings in Court on applications and petitions under this Act, and subject thereto such proceedings shall be regulated according to the existing procedure and practice of the Court in like matters.

The costs of all parties of and incident to such proceedings shall be in the discretion of the Court; and the orders of the Court

respecting costs shall be enforceable in the same manner as other orders of the Court.

118. The Registrar may, on request in writing, accompanied by the prescribed fee,—

(a.) Correct any clerical error in or in connection with an application for a patent, or for registration of a design or trade-mark ; or

(b.) Correct any clerical error in the name, style, or address of the registered proprietor of a patent, design, or trade-mark ; or

(c.) Cancel the entry or part of the entry of a trade-mark on the register: Provided that the applicant accompanies his request by a statutory declaration made by himself, stating his name, address, and calling, and that he is the person whose name appears on the register as the proprietor of the said trade-mark ;

(d.) Permit an applicant for registration of a design or trade-mark to amend his application by omitting any particular goods or classes of goods in connection with which he has desired the design or trade-mark to be registered.

119.—(1.) The registered proprietor of any registered trade-mark may apply to the Court for leave to add to or alter such mark in any particular, not being an essential particular within the meaning of this Act, and the Court may refuse or grant leave on such terms as it may think fit.

(2.) Notice of any intended application to the Court under this section shall be given to the Registrar by the applicant, and the Registrar shall be entitled to be heard on the application.

(3.) If the Court grants leave the Registrar shall, on proof thereof, and on payment of the prescribed fee, cause the register to be altered in conformity with the order of leave.

120. Every person who makes or causes to be made a false entry in any register kept under this Act, or a writing falsely purporting to be a copy of an entry in any such register, or produces, or tenders or causes to be produced or tendered in evidence any such writing, knowing the entry or writing to be false, is guilty of a misdemeanour.

121. Where any discretionary power is by this Act given to the Registrar he shall not exercise that power adversely to the applicant for a patent, or for amendment of a specification, or for registration of a trade-mark or design, without (if so required within the prescribed time by the applicant) giving the applicant an opportunity of being heard personally or by his agent.

122. The Registrar, at any time, for the purposes of this Act,—

(1.) May require the attendance of any persons as witnesses, and the production of books, documents, and papers, and may examine witnesses on oath, and administer oaths for the purpose ;

(2.) May, if he thinks fit, obtain the assistance of any scientific, expert, or other person ;

(3.) May require the several parties to any case or matter before him to deposit such sums as he shall think fit, to meet the costs of or incident to hearing such case or matter ; and may, by writing under his hand, order to be paid to any person he may call to his aid as aforesaid some remuneration for his attendance, and may also, in like manner, order that the costs of any hearing upon any objections, or otherwise in relation to the grant of such letters patent, or the protection acquired by the applicant under this Act, shall be paid ; and, in and by such writing, shall fix the amount of such remuneration or costs, and by or to whom the same respectively shall be paid.

Every such order shall be in the form contained in the First Schedule, or to the like effect, and may be made a rule of the Supreme Court ;

(4.) May adjourn the hearing of an application, or other matter for the time being under his consideration, from time to time, or *sine die* ;

(5.) In opposed cases, shall hear and examine the applicant, the objectors, and their respective witnesses, if any, and consider their evidence separately and apart from and in the absence of the other, his witnesses, and evidence, unless it is otherwise mutually agreed by the applicant and the objectors.

123.—(1.) Any application, notice, or other document authorized or required to be left, made, or given at the Patent Office, or to the Registrar, or to any other person under this Act, may be sent by a prepaid letter through the post ; and, if so sent, shall be deemed to have been left, made, or given respectively at the time when the letter containing the same would be delivered in the ordinary course of post.

(2.) In proving such service or sending it shall be sufficient to prove that the letter was properly addressed and put into the post.

124. Whenever the last day fixed by this Act, or by any rule for the time being in force, for leaving any document or paying any fee at the Patent Office falls on Christmas Day, Good Friday, or on a Saturday or Sunday, or bank holiday, or any day observed as a day of public fast or thanksgiving, herein referred to as excluded days, it shall be lawful to leave such document or to pay such fee on the day next following such excluded day, or days if two or more of them occur consecutively.

125. If any person is, by reason of infancy, lunacy, or other inability, incapable of making any declaration or doing anything required or permitted by this Act, or by any rules made under the authority of this Act, then the guardian or committee, if any, of

such incapable person, or, if there be none, any person appointed by any Court or Judge possessing jurisdiction in respect of the property of incapable persons, upon the petition of any person on behalf of such incapable person, or of any other person interested in the making such declaration or doing such thing, may make such declaration or a declaration as nearly corresponding thereto as circumstances permit, and do such thing in the name and on behalf of such incapable person, and all acts done by such substitute shall, for the purposes of this Act, be as effectual as if done by the person for whom he is substituted.

126.—(1.) After the commencement of this Act a person shall not be entitled to describe himself as a patent agent, whether by advertisement, by description on his place of business, by any document issued by him, or otherwise, unless he is registered as a patent agent in pursuance of this Act.

(2.) The Governor in Council shall, as soon as may be after the passing of this Act, and may from time to time make such general regulations under the next following section for giving effect to this section.

(3.) If any person knowingly describes himself as a patent agent in contravention of this section, he shall be liable on summary conviction to a penalty not exceeding 20*l*.

(4.) In this section "patent agent" means exclusively an agent for obtaining patents in the Colony.

127.—(1.) The Governor in Council may from time to time make such general regulations and do such things as he may think expedient, subject to the provisions of this Act,—

(a.) For regulating the practice of registration under this Act:

(b.) For classifying goods for the purpose of designs and trade-marks:

(c.) For making or requiring duplicates of specifications, amendments, drawings, and other documents:

(d.) For securing and regulating the publishing and selling of copies of specifications, drawings, amendments, and other documents:

(e.) For securing and regulating the publishing and selling of indexes to, and abridgments of, specifications and other documents in the Patent Office; and providing for the inspection of indexes, and abridgments, and other documents:

(f.) For regulating the presentation of copies of Patent Office publications to patentees and to public authorities, bodies, and institutions at home and abroad:

(g.) For regulating the registration of patent agents, and the terms and conditions of such registration;

(h.) Generally for regulating the business of the Patent Office,

and all things by this Act placed under the direction or control of the Registrar.

(2.) Any of the forms in the First Schedule to this Act may be altered or amended by regulations made as aforesaid.

(3.) General regulations may be made under this section at any time after the passing of this Act, but not so as to take effect before the commencement of this Act, and shall, subject as hereinafter mentioned, be of the same effect as if they were contained in this Act, and shall be judicially noticed.

(4.) Any regulations made in pursuance of this section shall be gazetted, and forthwith be laid before both Houses of Parliament, if Parliament be in session at the time of making thereof, or, if not, then as soon as practicable after the beginning of the then next session of Parliament.

(5.) If either House of Parliament, within the next forty days after any regulations have been so laid before such House, resolve that such regulations or any of them ought to be annulled, the same shall, after the date of such resolution, be of no effect, without prejudice to the validity of anything done in the meantime under such regulations or regulation, or to the making of any new regulations or regulation.

128. The Registrar shall, in every year, cause a report respecting the execution by or under him of this Act to be laid before both Houses of Parliament, and therein shall include for the year to which each report relates all general regulations made in that year under or for the purposes of this Act, and an account of all fees, salaries, and allowances, and other money received and paid under this Act.

Offences.

129.—(1.) Any person who represents that any article sold by him is a patented article when no patent has been granted for the same in New Zealand, or describes any design or trade-mark applied to any article sold by him as registered which is not so, is liable for every offence, on summary conviction, to a penalty not exceeding 50*l*.

(2.) A person shall be deemed, for the purposes of this enactment, to represent that an article is patented, or a design or a trade-mark is registered, if he sells the article with the word "patent," "patented," "registered," or any word or words or letters expressing or implying that a patent or registration has been obtained for the article stamped, engraved, or impressed on, or otherwise applied to the article.

130. Any person who falsely represents that any goods are made by a person holding a Royal warrant, or for the service of Her Majesty, or any of the Royal Family, or the Governor of the Colony,

or any department of Her Majesty's service in the United Kingdom or New Zealand, is liable on summary conviction, to a penalty not exceeding 20*l*.

131. Any penalty under this Act may be recovered in a summary way before any two or more Justices of the Peace, or a Resident Magistrate acting under "The Justices of the Peace Act, 1882," and any information in respect of any matter arising under this Act may be laid within six months from the time when such matters came to the knowledge of the informant.

Repeal ; Transitional Provisions ; Savings.

132. The enactments described in the Third Schedule to this Act are hereby repealed : But this repeal of enactments shall not—

(a.) Affect the past operation of any of those enactments, or any patent or copyright or right to use a trade-mark granted or acquired, subject, however, to renewal of such right under this Act, or any application pending, or appointment made, or order or direction made or given, or right, privilege, obligation, or liability acquired, accrued, or incurred, or anything duly done or suffered under or by any of those enactments before or at the commencement of this Act : or

(b.) Interfere with the institution or prosecution of any action or proceeding, civil or criminal, in respect thereof ; and any such proceeding may be carried on as if this Act had not been passed ; or

(c.) Take away or abridge any protection or benefit in relation to any such action or proceeding.

133.—(1.) The Register of Patents kept under any enactment repealed by this Act shall be deemed part of the same book as the Register of Patents kept under this Act.

(2.) The Register of Trade-marks kept under any enactment repealed by this Act shall be deemed part of the same book as the Register of Trade-marks kept under this Act.

134. Nothing in this Act shall take away, abridge, or prejudicially affect the prerogative of the Crown in relation to the granting of any letters patent or to the withholding of a grant thereof.

SCHEDULES.

FIRST SCHEDULE.

*Forms of Application, &c.**Form of Application for Patent.*

I [*here insert name, address, and calling of person making declaration*] declare that [*A. B.*, of _____, and] I am [*or are*] in possession of an invention for [*“improvements in sewing machines”*]; that I [*or the said A. B.*] am [*or is*] the true and first inventor thereof; and that the same is not in use by any other person or persons to the best of my knowledge and belief; and I humbly pray that a patent may be granted to me [*or us*] for the said invention, as described in the specification herewith.

(Signature of inventor.)

Witness to signature :

Dated this _____ day of _____, 18 ____.

Form of Provisional Specification.

I [*here insert name, address, and calling of inventor*] do hereby declare the nature of my invention for [*“improvements in sewing machines”*] to be as follows :—

[*Here insert short description of invention.*]

(Signature of inventor.)

Dated this _____ day of _____, 18 ____.

Form of Complete Specification.[*Here insert title, as in declaration.*]

I [*here insert name, address, and calling of inventor*] do hereby declare the nature of my invention for [*“improvements in sewing machines”*], and in what manner the same is to be performed, to be particularly described and ascertained in and by the following statement :—

[*Here insert full description of invention.*]

Having now particularly described and ascertained the nature of my said invention, and in what manner the same is to be performed, I declare that what I claim is [*here state distinctly the features of novelty claimed*].

(Signature of inventor.)

Dated this _____ day of _____, 18 ____.

Receipt for Specification.

RECEIVED from *A. B.*, for transmission to the Registrar of Patents, Designs, and Trade-Marks, specification for an invention for [*insert the title*], at the hour of [*insert the time*], on this day of , 18 .
 Local Patent Office, .

O. A., Patent Office Agent.

Form of Patent.

Victoria, by the grace of God, of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, to all to whom these presents shall come, greeting :

WHEREAS [*here insert name, address, and calling of inventor, as in declaration*] hath represented unto us that he is in possession of an invention for [*here insert title of invention, as in declaration*], that he is the true and first inventor thereof, and that the same is not in use by any other person, to the best of his knowledge and belief: And whereas the said inventor hath represented that he is desirous of obtaining Letters Patent for securing unto him our special licence for an invention for [*the said invention*]; and by an instrument in writing under his hand, deposited in the Patent Office under the provisions of "The Patents, Designs, and Trade-Marks Act, 1889," the patentee hath particularly described and ascertained the nature of the said invention, and in what manner the same is to be performed: Now, therefore, know ye that we have given and granted, and by these presents, for us, our heirs and successors, do give and grant unto the patentee our special licence and authority that the patentee, by himself or his servants or agents, or such others as he shall at any time agree with during the term herein expressed, shall and lawfully may make, use, and vend his said invention within our Colony of New Zealand and its dependencies, in such manner as to him shall seem meet: To have, hold, and enjoy the said licence, privilege, and advantage unto and by the patentee for and during the term of fourteen years now next ensuing; and that he shall and lawfully may have and enjoy the whole profit, benefit, and advantage from time to time coming, accruing, and arising by reason of the said invention during the said term: Subject, however, in all things to the provisions of "The Patents Designs, and Trade-Marks Act, 1889," and to the conditions and restrictions thereby imposed (and inserted therein, if any):

Provided that these our Letters Patent are on this condition, that if at any time during the said term it shall appear that this our grant is contrary to law, or prejudicial or inconvenient to our subjects in general, or that the said invention is not a new invention as to the public use and exercise thereof within our said Colony and its dependencies, or that the said patentee is not the first and true inventor thereof within our said Colony as aforesaid, these our Letters Patent shall forthwith determine and be void to all intents and purposes, notwithstanding anything hereinbefore contained: Provided also that if the said patentee shall not pay all fees by law required to be paid in respect of the grant of these Letters Patent or in respect of any matter relating thereto at the time or times and in the manner for the time being provided by law; and also if the said patentee shall not supply or cause to be supplied for our service all such articles of the said invention as may be required by the officers or

Commissioners administering any Department of our service, in such manner, at such times, and at and upon such reasonable prices and terms as shall be settled in manner for the time being by law provided, then and in any of the said cases these our Letters Patent, and all privileges and advantages whatever hereby granted, shall determine and become void, notwithstanding anything hereinbefore contained: Provided also that nothing herein contained shall prevent the granting of licences in such manner and for such considerations as they may by law be granted.

In witness whereof we have caused these our letters to be made patent, and to be sealed and bear date as of the _____ day of _____, 18____.

_____, Governor.

(Seal of the Colony.)

Form of Order for Expenses.

UPON hearing the objection of *A. B.* to the grant to *C. D.* of Letters Patent for [*insert the title as in the specification*], I do by this writing under my hand order that the said *A. B.* shall pay to the said *C. D.* the sum of _____ for the costs of _____ such hearing [*or to E. F. the sum of _____ as a remuneration for his attendance at such hearing*].

Given under my hand this day of , 18 .

P. O.,

Registrar of Patents, Designs, and Trade-Marks.

Form of Application for Registration of Design.

day of _____, 18 ____.

You are hereby requested to register the accompanying design,
in Class , in the name of [here insert legibly the name and address of the
individual or firm], of , who claims to be the proprietor thereof,
and to return the same to .

Statement of nature of design :

Registration fees inclosed, £ s. d.

(Signed)

To the Registrar, Patent Office, Wellington.

Form of Application for Registration of Trade-Mark.

(One representation to be fixed within this square, and three others on separate sheets of foolscap of same size.)

(Representations of a larger size may be folded, but must be mounted upon linen and affixed hereto.)

You are hereby requested to register the accompanying trade-mark [*in Class , iron in bars, sheets, and plates; in Class , steam-engines and boilers; and in Class , warming apparatus*] in the name of [*here insert legibly the name, address, and business of the individual or firm*], who claims to be the proprietor thereof.

Registration fees inclosed, £ s. d.

(Signed)

To the Registrar, Patent Office, Wellington.

[NOTE.—If the trade-mark has been in use before the date of the passing of this Act, state length of use.

SECOND SCHEDULE.

FEES.

In respect of Patents and Renewal.

	£	s.	d.
On lodging application with provisional specification.. .. .	0	10	0
On filing complete specification.. .. .	0	10	0
On filing complete specification in first instance	0	10	0
On depositing amended specification, or application for amendment to specification	1	0	0
On obtaining Letters Patent, or any duplicate thereof	2	0	0
At or before the expiration of the fourth year	5	0	0
At or before the expiration of the seventh year	10	0	0
On lodging particulars of objections	0	10	0
On hearing objection (by the objector).. .. .	2	0	0
On application for enlargement of time for deposit of specification .	1	0	0
On obtaining such enlargement of time in addition to fee otherwise payable.. .. .	5	0	0

	£	s.	d.
On lodging application for enlargement of time of any payment ..	1	0	0
On obtaining enlargement of time in addition to fee otherwise payable.. .. .	3	0	0
On presenting petition for extension of term	2	0	0
On notice to Registrar of intended exhibition of patent under section 47	0	10	0
On notice of appeal to Supreme Court against any action or decision of Registrar	1	0	0
Search and inspection : for each book or specification	0	1	0
Entry of assignment or licence	0	10	0
Certificate of assignment or licence	0	10	0
Filing of memorandum of alteration or disclaimer	2	10	0
Entering any caveat	2	10	0
Copy or extract from register under seal	0	10	0
Copy or extract of any writing, per common law folio	0	0	6
Copy of any drawing : cost according to agreement.			
On request to Registrar to correct clerical error	0	5	0
On registration as a patent agent	1	1	0

In respect of Industrial Designs.

On application to register one design to be applied to single articles in each class, except in classes next hereinafter enumerated ..	0	10	0
On application to register one design to be applied to single articles in classes of printed or woven designs in textile piece-goods, or on handkerchiefs and shawls	0	1	0
On application to register one design to be applied to a set of articles for each class of registration	1	0	0
On notice of appeal to Supreme Court against refusal of Registrar to register	1	0	0
Copy of certificate of registration, each copy	0	1	0
On request for certificate of Registrar, for legal proceedings or other special purpose.. .. .	0	5	0
On request to enter name of subsequent proprietor : same as registration fee.			
On notice to Registrar of intended exhibition of an unregistered design	0	5	0
Inspection of design of which the copyright has expired, for each quarter of an hour	0	1	0
Copy of any such design : cost according to agreement.			
On request to correct clerical error	0	5	0
On request for search under section 59.. .. .	0	5	0
On request to enter new address	0	5	0
For copy or extract of any writing per common law folio	*0	0	6
For certifying office copies, MSS. or printed	0	1	0

NOTE.—The term “set” to include any number of articles ordinarily on sale together, irrespective of the varieties of size and arrangement in which the particular design may be shown on each separate article.

In respect of Trade-Marks.

	£	s.	d.
On application to register a trade-mark for one or more articles included in one class	0	5	0
On notice of appeal to Supreme Court on refusal of Registrar to register.. .. .	1	0	0
For registration of a trade-mark for one or more articles included in one class	1	0	0
For registering a series of trade-marks, for every additional representation after the first in each class	0	5	0
For entering notice of opposition, for each trade-mark, whether in one or more classes	1	0	0
On application to register a subsequent proprietor in cases of assignment or transmission, the first mark	1	0	0
For every additional mark assigned or transmitted at the same time	0	2	0
For certificate of refusal to register a trade-mark under section 82..	1	0	0
For certificate of refusal at the same time for more than one trade-mark, for each additional trade-mark after the first	0	10	0
For continuance of mark at expiration of fourteen years	1	0	0
Additional fee where fee is paid within three months after expiration of fourteen years	0	10	0
Additional fee for restoration of trade-mark where removed for non-payment of fee	1	0	0
For altering address on the register, for every trade-mark	0	5	0
For every entry in the register of a rectification thereof, or an alteration therein, not otherwise charged	0	10	0
For cancelling the entry or part of the entry of a trade-mark upon the register, on the application of the owner of such trade-mark	0	5	0
On request to Registrar to correct a clerical error	0	5	0
For certificate of registration to be used in legal proceedings ..	0	10	0
For certificate of registration to be used for the purpose of obtaining registration in foreign countries	0	5	0
For copy of notification of registration	0	2	0
For inspecting register, for every quarter of an hour.. .. .	0	1	0
For making a search amongst the classified representations of trade-marks, for every quarter of an hour	0	1	0
Copy of any trade-mark : cost according to agreement.			
For copy or extract of any writing per common law folio	*0	0	6
For certifying office copies, MSS. or printed	0	1	0
For certificate of Registrar under section 112.. .. .	0	5	0
In cases where a trade-mark requires a greater space than two inches of the depth of the page of the "New Zealand Gazette," for each additional inch or part of an inch	0	2	0

* But never less than 1s.

THIRD SCHEDULE.

Acts Repealed.

Year and Number of Act.	Title.	Extent of Repeal.
21 James I, c. 3 [1623]	The Statute of Monopolies..	Sections 10, 11, and 12.
1883, No. 14	The Patents Act, 1883 ..	The whole.
1885, No. 2	The Patents Act, 1883, Amendment Act, 1885.	The whole.
1866, No. 9	The Trade-Marks Act, 1866.	The whole.
1882, No. 4	The Trade - Marks Act Amendment Act, 1882.	The whole.

*ACT of the Government of New Zealand, to continue "The Chinese Immigrants Act Amendment Act, 1888."**

[No. 18.]

[September 16, 1889.]

BE it enacted by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. The short title of this Act is "The Chinese Immigrants Act Amendment Act Continuance Act, 1889."

2. Section 12 of "The Chinese Immigrants Act Amendment Act, 1888," is hereby repealed, and the said Act shall continue in force until repealed by the General Assembly, except the said section.

ACT of the Government of New Zealand, relating to the Children of Naturalized Persons and the Charge for Letters of Naturalization.

[No. 19.]

[September 24, 1892.]

BE it enacted by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. The short title of this Act is "The Aliens Act Amendment Act, 1892."

2. Where the father, or the mother, being a widow, has obtained letters of naturalization in New Zealand, every child of such father or mother who during infancy has become resident with such father or mother in any part of New Zealand shall be deemed and taken to

be himself or herself naturalized, and have all the rights and privileges of a natural-born subject.

3. Section 7 of "The Aliens Act, 1880,"* is hereby repealed, and in lieu thereof it is enacted as follows:—

If any person resident in New Zealand, who has previously obtained any certificate or letters of naturalization in the United Kingdom of Great Britain and Ireland, or any part thereof, or in any British Colony or possession, desires to be naturalized in New Zealand, he shall submit such certificate or letters of naturalization to the Governor, together with a statutory declaration, to be subscribed by the applicant, to the effect that he is the person named in the said certificate or letters of naturalization, and that the same has been obtained without any fraud or intentional false statement, and that the signature and the seal (if any) thereto are, to the best of his belief and knowledge, genuine;

And thereupon the Governor may, at his discretion, without requiring from the applicant any further residence in New Zealand, or (if the applicant has previously taken a similar oath) the oath prescribed under the aforesaid Act, direct the Colonial Secretary to indorse upon such certificate or letters a memorandum in the form or to the effect in the Schedule hereto, and a note of such certificate or letters and memorandum, with the particulars of the applicant's name, age, and nationality, shall be enrolled in the same manner as in the case of the issue of letters of naturalization in the Colony.

The person named in the said certificate or letters of naturalization shall, for all purposes, from the date of the aforesaid memorandum, be deemed to be naturalized within the Colony, as if letters of naturalization, under the seal of the Colony, had been issued to the said person.

4. No fee shall be paid henceforth by any person in respect of the enrolment or indorsement of letters of naturalization by the Colonial Secretary, excepting in the case of persons of the Chinese race, who shall pay in respect of such enrolment or indorsement such fee, not exceeding 1*l.*, as the Governor in Council from time to time may appoint.

5. All the words of section 8 of "The Aliens Act, 1880," after the words "issued under this Act," are hereby repealed, and also "The Aliens Act Amendment Act, 1882,"† is hereby repealed.

* Vol. LXXI, page 238.

† Vol. LXXIII, page 604.

SCHEDULE.

*Memorandum to be indorsed on Letters of Naturalization.**Accepted, Noted, and Registered in New Zealand.*

THE within-named is hereby naturalized for all purposes within the Colony of New Zealand from the date of this memorandum.

Dated at Wellington, New Zealand, this day of , 18 .

A. B.,

Colonial Secretary of New Zealand.

LAW of the Government of Natal, to provide for the Importation of Gunpowder or Ammunition by or on behalf of the Governments of Inland States or Persons residing therein.

[No. 11.]

[July 17, 1891.]

C. B. H. MITCHELL, *Governor.*

BE it enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows:—

1. In this Law “inland State” includes the South African Republic and the Orange Free State, and any other country in South Africa, other than Natal, which the Governor in Council shall by Proclamation bring within the operation of this Law.

“Ammunition” includes percussion caps, cartridges, and any other articles used in the discharge of firearms and ordnance.

2. It shall be lawful for the Controller of Arms to entertain applications on behalf of the Government of an inland State, or by or on behalf of any person resident in an inland State, for leave to import gunpowder and ammunition into Natal for transmission to such Government or person.

3. The Controller of Arms may require any information which he may think necessary to be furnished in reference to an application, and if any required information be not supplied, or if in the case of an application not made by or on behalf of the Government of an inland State, the Controller of Arms shall not be satisfied that the gunpowder or ammunition is *bona fide* required for lawful purposes by the person for whom the same is intended to be imported, or that the application is in every respect genuine, or if he shall for any reason believe that such gunpowder or ammunition is intended to be supplied to natives in any country outside the inland State, or be used for any purposes of hostility to Her Majesty's Government, or to the Government of any State with which Her Majesty is at

peace, he may refuse to grant the application. The decision of the Controller of Arms shall be subject to an appeal to the Governor in Council, whose decision shall be final.

4. A written permit by the Controller of Arms produced to the Collector of Customs shall be sufficient authority for the importation of any gunpowder or ammunition into Natal for transmission to a place and person in an inland State, to be named in the permit, subject to the provisions of this Law, and to any special conditions set forth in the permit.

5. Any gunpowder or ammunition imported under authority of a permit may, upon its being duly entered inwards and landed at the port of Port Natal, or after having been warehoused be removed, for the purpose of being conveyed to the place in the inland State specified in the permit upon payment of the Customs duties, and upon such special conditions and restrictions as to the transport and conveyance of such gunpowder or ammunition, and the routes to be followed, and otherwise as may be imposed by any rules made under section 9 of this Law, or specially imposed by the terms of the permit: Provided always, that no such gunpowder or ammunition shall be removed until the person applying for such removal shall furnish to the Controller of Arms security to his satisfaction, which security may, at the option of such Controller, be by means of a surety bond entered into by two sufficient sureties to be approved by the Controller of Arms in a sum equal to the value of such gunpowder or ammunition, that the several provisions of this Law, and all rules and regulations framed thereunder, shall be duly kept and observed, and that the gunpowder or ammunition so removed as aforesaid shall be delivered to the person at the place in the inland State specified in the permit within a time to be fixed in the security or bond, and that proof of such delivery shall be given as required by any rules for the time being in force, or that the gunpowder or ammunition shall be otherwise accounted for to the satisfaction of the Controller of Arms.

6. It shall be a condition of the security or bond given in connection with the removal of any gunpowder or ammunition, that such gunpowder or ammunition so removed shall be conveyed to the boundary of Natal, or so far towards the boundary as shall be practicable, by and upon the Natal Government railways, at such rates of carriage and subject to the laws and regulations for the time being applicable to the carriage and transport of such powder and ammunition; and in the removal and carriage of such gunpowder and ammunition overland, under the provisions of this Law, to an inland State, the person forwarding the same shall be bound to send such gunpowder or ammunition, as far as the same may be practicable, by the open lines of railway worked and maintained by the

Government, and at such rates of carriage, and subject to such laws and regulations, as may from time to time be applicable to the transport and carriage of gunpowder and ammunition; and it shall be the duty of the Collector of Customs to see that the gunpowder and ammunition are duly delivered for carriage to the Natal Government railways.

7. The bond required by section 47 of Ordinance No. 6 of 1855 to be given in respect of the warehousing of any gunpowder or ammunition shall be deemed sufficient for the purpose of this Law if entered into by two sufficient sureties to be approved by the Collector of Customs.

8. All gunpowder or ammunition imported and warehoused under the provisions of this Law shall be cleared and removed within three months from the date of entry, and if any such gunpowder or ammunition be not so cleared and removed, it shall be lawful for the Collector of Customs to cause the same to be sold, and the proceeds of such sale shall be applied firstly to the payment of the duties, next to the payment of warehouse rent, auction, and other charges, and the residue shall be held by him on account of the importer: Provided always, that it shall be lawful for the Collector of Customs, if he shall deem it necessary, to grant further time for any such gunpowder or ammunition to remain warehoused.

9. The Governor in Council may from time to time make and alter rules for the effective carrying out of this Law, and by such rules appoint a penalty not exceeding 10*l*. for any contravention thereof. Any such rules shall be in force from the date of their publication in the "Natal Government Gazette."

10. If any gunpowder or ammunition for the sending whereof to an inland State a security or bond shall have been given as provided in section 6 shall be disposed of, or attempted to be disposed of in this Colony contrary to law, the same shall be liable to seizure and to be forfeited to Her Majesty.

11. So far only as in conflict with the provisions of this Law, the Law No. 12, 1862, intituled "Law to amend the Law regulating the dealing in Gunpowder," shall be repealed, and this Law and the Law No. 12, 1862, shall, save as aforesaid, be read and construed together as one Law.

Given at Government House, Natal, this 17th day of July, 1891.

By command of his Excellency the Governor.

F. S. HADEN, *Colonial Secretary*.

LAW of the Government of Natal, to consolidate and amend the Laws relating to the Extradition of Criminals.

[No. 6.]

—

[June 29, 1892.]

C. B. H. MITCHELL, *Governor*.

WHEREAS it is expedient to consolidate and amend the Laws relating to the apprehension and surrender to the Orange Free State and the South African Republic of persons accused or convicted of the commission of certain crimes within the jurisdiction of the said States:

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows:—

1. The Laws—

(a.) No. 7, 1871, intituled “Law for facilitating the Apprehension of certain Offenders escaping to this Colony from any place within the territories or dominions of the South African Republic,” and

(b.) No. 3, 1890, intituled “Law to amend the Law relating to the Extradition of Criminals,” shall be and the same are hereby repealed.

2. This Law may be cited as “The Extradition Law, 1892.”

3. In this Law—

The term “extradition crime” means a crime which, if committed in Natal or within the jurisdiction of any Court of Law in Natal, would be one of the crimes specified in the First Schedule of this Law.

The term “fugitive criminal” means any person accused or convicted of an extradition crime committed within the jurisdiction of the Orange Free State or the South African Republic who is in, or is suspected of being in, Natal.

4. Every person who is accused or convicted of having counselled, procured, commanded, aided, or abetted the commission of any extradition crime, or of being accessory before or after the fact to any extradition crime, shall be deemed for the purposes of this Law to be accused or convicted of having committed such crime, and shall be liable to be apprehended and surrendered accordingly.

5. The Governor in Council may enter into an agreement or arrangement with the Government of the Orange Free State and with the Government of the South African Republic, or with either of the said Governments, with respect to the surrender to the respective States of fugitive criminals who are in, or suspected of being in, the Colony of Natal. Such agreement or arrangement shall provide for the surrender to the Colony of Natal of fugitive criminals who

are in, or suspected of being in, the Orange Free State or the South African Republic, as the case may be. Such agreement or arrangement shall be in conformity with the provisions of this Law, and in particular with the restrictions on the surrender of fugitive criminals contained in this Law. Such arrangement shall provide for the determination of it by either party to it after the expiration of a notice not exceeding one year.

6. Any such agreement or arrangement shall be published in the "Government Gazette," and a copy thereof shall be laid before the Legislative Council of the Colony within six weeks after it is made, or if the Legislative Council be not then sitting, within six weeks of the then next meeting of the Legislative Council.

7. The following restrictions shall be observed with respect to the surrender of fugitive criminals:—

(1.) A fugitive criminal shall not be surrendered if the offence in respect of which his surrender is demanded is one of a political character, or if he prove to the satisfaction of a Magistrate, or the Court before whom he is brought, or to the Colonial Secretary, that the requisition for his surrender has in fact been made with a view to try or punish him for an offence of a political character.

(2.) A fugitive criminal shall not be surrendered unless provision is made in the agreement or arrangement provided for under this Law that the fugitive criminal shall not, until he has been restored or had an opportunity of returning to Natal or to some other part of Her Majesty's dominions, be detained or tried in the Orange Free State or the South African Republic, as the case may be, for any offence committed prior to his surrender other than the extradition crime proved by the facts on which the surrender is grounded.

(3.) A fugitive criminal who has been accused of some offence within the jurisdiction of any Court of Law in Natal, not being the offence for which his surrender is asked, or is undergoing sentence under any conviction in Natal, shall not be surrendered until after he has been discharged, whether by acquittal or on expiration of his sentence, or otherwise.

(4.) A fugitive criminal shall not, except on an application made by him or on his behalf, be surrendered until the expiration of fifteen days from the date of his being committed to prison to await his surrender.

8. Where in pursuance of any agreement or arrangement entered into under the provisions of this Law, any person accused or convicted of any crime which, if committed in Natal, would be one of the crimes described in the First Schedule of this Law, is surrendered by the Orange Free State or the South African Republic, such person shall not, until he has been restored or had an oppor-

tunity of returning to such State, be triable or tried for any offence committed prior to the surrender in any place within the jurisdiction of any Court of Law in Natal other than such of the said crimes as may be proved by the facts on which the surrender is grounded.

9. The Colonial Secretary may, by order under his hand and seal, require a Magistrate to take evidence for the purposes of any criminal matter pending in any court or tribunal in the Orange Free State or the South African Republic, and the Magistrate, upon the receipt of such order, shall take the evidence of every witness appearing before him for the purpose in like manner as if such witness appeared on a charge against some defendant for an indictable offence, and shall certify at the foot of the depositions so taken that such evidence was taken before him, and shall transmit the same to the Colonial Secretary; such evidence may be taken in the presence or absence of the person charged, if any, and the fact of such presence or absence shall be stated in such deposition. Any person may, after payment or tender to him of a reasonable sum for his costs and expenses in this behalf, be compelled, for the purposes of this section, to attend and give evidence and answer questions and produce documents, in like manner and subject to the like conditions as he may in the case of a charge preferred for an indictable offence. Every person who wilfully gives false evidence before a Magistrate under this section shall be guilty of perjury: Provided that nothing in this section shall apply in the case of any criminal matter of a political character.

10. The provisions of this Law shall take effect as regards the Orange Free State from the date of the publication as provided in section 5 of an Agreement or Arrangement with the Government of the Orange Free State, and as regards the South African Republic, from the date of such publication of an Agreement or Arrangement with the Government of the South African Republic. From and after the date of the publication of any such Agreement, but not until then, the Law No. 13, 1882, entitled "Law to amend the Law relating to the Extradition of Criminals," shall, as to the State to which the Agreement or Arrangement relates, be repealed.

11. Every fugitive criminal of the Orange Free State or the South African Republic who is in or suspected of being in Natal, shall be liable to be apprehended and surrendered in manner provided by this Law, whether the crime in respect of which the surrender is sought was committed before or after the date of the taking effect of this Law, and whether there is or is not any concurrent jurisdiction in any Court in Natal over that crime.

12. A requisition for the surrender of a fugitive criminal for whose apprehension a warrant has been issued in either of the said

States, and who is in or is suspected of being in the Colony, shall be made on behalf of the Government of the State seeking extradition of such criminal to the Colonial Secretary of this Colony. Upon receipt of such requisition the said Colonial Secretary may by order under his hand signify to any Magistrate or Justice of the Peace that such requisition has been made, and require him to issue his warrant for the apprehension of the fugitive criminal. If the Colonial Secretary is of opinion that the offence is one of a political character, he may, if he think fit, refuse to send any such order, and may also at any time order a fugitive criminal accused or convicted of such offence to be discharged from custody.

13. A warrant for the apprehension of a fugitive criminal, whether accused or convicted of crime, who is in or suspected of being in Natal, may be issued—

(1.) By a Magistrate or Justice of the Peace on receipt, or upon the publication in the "Government Gazette," of the said order of the Colonial Secretary, and on such evidence as would in his opinion justify the issue of the warrant if the crime had been committed, or the criminal convicted, in this Colony; and

(2.) By a Magistrate or any Justice of the Peace on such information or complaint and such evidence, or after such proceedings, as would in the opinion of the person issuing the warrant justify the issue of a warrant if the crime had been committed, or the criminal convicted, in this Colony.

Any person issuing a warrant under this section without an order from the Colonial Secretary shall forthwith send to the latter a report of the fact of such issue, together with the evidence and information or complaint, or certified copies thereof; and the Colonial Secretary may, if he think fit, order the warrant to be cancelled, and the person who has been apprehended on the warrant to be discharged.

14. Every warrant for the apprehension of any fugitive criminal shall command that he be brought before some Magistrate. Where the warrant has been issued without the order of the Colonial Secretary, the Magistrate shall order the discharge of the fugitive criminal unless, within such time as, having reference to the circumstances of the case, he may consider reasonable, the said Magistrate receives from the Colonial Secretary an order signifying that a requisition has been made for the surrender of such criminal.

15. When a fugitive criminal is brought before the Magistrate, the said Magistrate shall hear the case in the same manner and have the same jurisdiction and powers as near as may be as if the prisoner were brought before him charged with an indictable offence committed in the Colony. The Magistrate shall receive any evidence

which may be tendered to show that the crime of which the prisoner is accused or alleged to have been convicted is an offence of a political character, or is not an extradition crime.

16. In the case of a fugitive criminal accused of the commission of an extradition crime, if the warrant of the State making the requisition is duly authenticated, and such evidence is produced as (subject to the provisions of this Law) would according to the Law of the Colony justify the committal for trial of the prisoner if the crime of which he is accused had been committed in the Colony, the Magistrate shall commit him to prison, but otherwise shall order him to be discharged. In the case of a fugitive criminal alleged to have been convicted of an extradition crime, if such evidence is produced as (subject to the provisions of this Law) would according to the Law of the Colony prove that the prisoner was convicted of such crime, the Magistrate shall commit him to prison, but otherwise shall order him to be discharged.

17. If the fugitive criminal is committed to prison he shall be committed to the principal gaol of the division, there to await the warrant of the Governor for his surrender. The Magistrate shall forthwith send a certificate of the committal to the Governor, with such report thereon as he may think fit.

18. If the Magistrate commits a fugitive criminal to prison he shall inform such criminal that he will not, except on application made by him or on his behalf, be surrendered until after the expiration of fifteen days, and that he has a right to apply to the Supreme Court for an order directing his discharge. Upon the expiration of the said fifteen days, or after the decision of the Supreme Court upon any such application for the discharge of such fugitive criminal as the case may be, and upon production of the certificate of committal, it shall be lawful for the Governor, by warrant under his hand and the public seal of the Colony, to order the fugitive criminal to be surrendered to such person as may in his opinion be duly authorized by the State from which the requisition for the surrender proceeded, to receive the fugitive criminal, and such fugitive criminal shall be surrendered accordingly. It shall be lawful for any person to whom such warrant is directed to receive, hold in custody, and convey the criminal mentioned in the warrant within the jurisdiction of the State to which he has been surrendered. The gaoler, or other chief officer of any gaol, on request of any person having the custody of a fugitive criminal under such warrant, and on payment or tender of a reasonable amount for expenses, shall receive such fugitive criminal and detain him for such reasonable time as may be requested by the said person for the purpose of the proper execution of the warrant. If the criminal escapes out of any custody to which he may be delivered on, or in pursuance of, such warrant, it

shall be lawful to retake him in the same manner as any person accused of any crime against the laws of the Colony may be retaken upon an escape.

19. Where any person who shall have been committed under this Law to remain until delivered up pursuant to requisition shall not be delivered up pursuant thereto within two months after such committal, it shall in every case be lawful for the Supreme Court of this Colony, upon application by or on behalf of any person so committed, and after notice of the intention to make such application has been given to the Attorney-General, to order the person so committed to be discharged out of custody, unless sufficient cause is shown to the contrary.

20. Depositions or statements on oath taken in either of the aforesaid States, whether taken in the presence of the fugitive criminal or not, and copies of such original depositions or statements, and certificates of or judicial documents stating the fact of conviction, may, if duly authenticated, be received in evidence in proceedings under this Law.

21. Warrants of the said States and depositions or statements on oath or affirmation, and copies thereof, and certificates of or judicial documents stating the fact of a conviction, shall be deemed duly authenticated for the purposes of this Law, if authenticated in manner provided for the time being by law, or if authenticated as follows:—

(1.) If the warrant purports to be signed by a Judge, Magistrate, or other officer of the State where the same was issued, authorized by law to issue warrants;

(2.) If the depositions or statements on oath or affirmation, or the copies thereof, purport to be certified under the hand of a Judge, Magistrate, or officer of the State where the same were taken, to be the original depositions and statements, or to be true copies thereof, as the case may be;

(3.) If the certificate of or judicial document stating the fact of conviction purports to be certified by a Judge, Magistrate, or officer of the State where the conviction took place; and

If in every case the warrants, depositions, statements, copies, certificates, and judicial documents (as the case may be) are authenticated by the oath of some witness, or by being sealed with the official seal of some officer of the Government of the State from which the requisition for surrender proceeded; and all Courts of Justice and Magistrates shall take judicial notice of such official seal, and shall admit the documents so authenticated by it to be received in evidence without further proof.

22. The forms set forth in the Second Schedule to this Law, or forms as near thereto as circumstances admit, may be used in all

matters to which such forms refer, and when used shall be deemed to be valid and sufficient in law.

Given at Government House, Natal, this 29th day of June, 1892.

By command of his Excellency the Governor.

F. S. HADEN, *Colonial Secretary*.

FIRST SCHEDULE.

Abduction.	breaking into any office, store, or hut),
Abortion.	with intent to commit any crime.
Arson.	Incest.
Indecent assault on the person of a girl under the age of 12 years.	Fraudulent insolvency; crimes by insolvents against the insolvency laws.
Assault with intent to do grievous bodily harm.	Malicious injury to property.
Bigamy.	Murder, including assassination, parricide, infanticide, and poisoning; attempt to murder; conspiracy to murder.
Child stealing.	Perjury or subornation of perjury.
Culpable homicide.	Public violence.
Coining, or uttering counterfeit or altered coin.	Rape and assault with intent to commit rape.
Desertion from Her Majesty's forces, or from any military, volunteer, or police force.	Any act done with intent to do injury to person or property on any railway.
Falsity; forgery or uttering a forged document.	Robbery.
Fraud.	Theft, including theft by means of false pretences, and theft by means of embezzlement.
Offences under any law relating to the dealing in gunpowder or fire-arms.	
House-breaking (including the	

SECOND SCHEDULE.

Form of Order for Issue of Warrant of Apprehension.

To the Magistrate [*or*, _____, Esquire, Justice of the Peace] for the
Division of _____.

WHEREAS a requisition has been made to the Government of the Colony of Natal by the Government of the _____ for the surrender of _____, late of _____, accused [*or*, convicted] of the commission of the crime of _____ within the jurisdiction of the said _____. Now I hereby, by this my order, signify to you that such requisition has been made, and require you to issue your warrant for the apprehension of the said _____, provided that the conditions of "The Extradition Law, 1892," relating to the issue of such warrant, are in your judgment complied with.

Given under my hand at Pietermaritzburg, this _____ day of _____, 1892 .

_____, *Colonial Secretary*.

Form of Warrant of Apprehension by order of the Colonial Secretary.

To the Field-cornets, constables, police officers, and other officers of the law proper to the execution of criminal warrants.

WHEREAS the Honourable the [*Colonial Secretary*] by order under his hand, has signified to me [*or, has notified*] that requisition has been duly made for the surrender of _____, late of _____, accused [*or, convicted*] of the commission of the crime of _____ within the jurisdiction of the _____. This is, therefore, to command you in Her Majesty's name forthwith to apprehend the said _____, pursuant to "The Extradition Law, 1892," wherever he may be found within the limits of the Colony of Natal, and bring him, or cause him to be brought, before the Magistrate for the Division of _____, to show cause why he should not be surrendered in pursuance of the said Extradition Law, for which this shall be your warrant.

Given under my hand at _____, this _____ day of _____, 189 ____.

_____, *Magistrate* [*or, Justice of the Peace*] for the Division of _____.

Form of Warrant of Apprehension without order of the Colonial Secretary.

To the Field-cornets, constables, police officers, and other officers of the law proper to the execution of criminal warrants.

WHEREAS it has been shown to the undersigned _____, Magistrate [*or, Justice of the Peace*] for the Division of _____, that _____, late of _____, is accused [*or, convicted*] of the commission of the crime of _____ within the jurisdiction of _____. This is, therefore, to command you in Her Majesty's name forthwith to apprehend the said _____, and to bring him, or cause him to be brought, before the Magistrate for the Division of _____ to be further dealt with according to law, for which this shall be your warrant.

Given under my hand at _____, this _____ day of _____, 189 ____.

_____, *Magistrate* [*or, Justice of the Peace*] for the Division of _____.

Form of Warrant of Committal.

To the gaoler of the _____ gaol.

BE it remembered that on this _____ day of _____, 189 _____, late of _____, is brought before me, _____, Magistrate for the Division of _____, to show cause why he should not be surrendered in pursuance of "The Extradition Law, 1892," on the ground of his being accused [*or, convicted*] of the commission of the crime of _____ within the jurisdiction of _____, and forasmuch as no such sufficient

cause has been shown to me why he should not be surrendered in pursuance of the said Law. This is, therefore, to command you, the said gaoler, to receive the said _____ into your custody, and him there safely to keep until he is thence delivered pursuant to the provisions of the said Extradition Law, for which this shall be your warrant.

Given under my hand at _____, this _____ day of _____ 189 .

Magistrate for the Division of

Form of Warrant of the Governor for Surrender of Fugitive Criminal.

WARRANT.

By his Excellency, &c.

To the gaoler of the _____ gaol and to _____.*

WHEREAS _____, late of _____, accused [*or, convicted*] of the commission of the crime of _____ within the jurisdiction of the _____, was delivered into the custody of you† _____, the said gaoler, by warrant dated‡ _____, pursuant to "The Extradition Law, 1892:"

Now, therefore, I, the Governor aforesaid, do hereby, in pursuance of the said Law, order you, the said gaoler, to deliver the body of the said _____ into the custody of the said* _____, and I command you, the said* _____, to receive the said _____ into your custody, and to carry him within the jurisdiction of the said _____, and there place him in the custody of any person or persons appointed by the said _____ to receive him, for which this shall be your warrant.

Given under my hand and the public seal of the Colony of Natal, at _____, this _____ day of _____, 189 . _____, Governor.

By command of his Excellency the Governor,

_____, Colonial Secretary.

* Insert name of person authorized by the foreign State to receive the criminal.

† Insert name of gaoler.

‡ Date of warrant of committal.

ACT of the Government of Newfoundland, respecting Foreign Fishing Vessels.

[Chap. 6.]

—

[Passed May 24, 1893.]

BE it enacted by the Governor, the Legislative Council, and House of Assembly, in Legislative Session convened, as follows :—

1. The Governor in Council may authorize the issuing of licences to foreign fishing-vessels, enabling them to enter any port on the coasts of this island for the following purposes : the purchase of bait, ice, seines, lines, and all other supplies and outfits for the fishery, and for the shipping of crews.

2. Any Justice of the Peace, Sub-Collector, Preventive Officer, Fishery Warden or Constable, may go on board any foreign fishing-vessel within any port on the coasts of this island, or hovering in British waters within three marine miles of any of the coasts, bays, creeks, or harbours of this island, and may stay on board such vessel so long as she remains within such port or distance.

3. Any one of the officers or persons hereinbefore mentioned may bring any foreign fishing-vessel, being within any port on the coasts of this island, or hovering in British waters within three marine miles of any of the coasts, bays, creeks, or harbours of this island, into port, may search her cargo and may examine the master upon oath touching the cargo and voyage ; and the master or person in command shall answer truly such questions as shall be put to him, under a penalty not exceeding 500 dollars. And if such foreign fishing-vessel has on board any herring, caplin, squid, or other bait fishes, ice, lines, seines, or other outfits or supplies for the fishery, purchased within any port on the coasts of this island, or within the distance of three marine miles from any of the coasts, bays, creeks, or harbours of this island, or if the master of the said vessel shall have engaged or attempted to engage any person to form part of the crew of the said vessel in any port, or on any part of the coasts of this island, without a licence therefor in writing first granted to any such vessel under the provisions of this Act, or has entered such waters for any purpose not permitted by Treaty, Convention, or Act of the Legislature, for the time being in force, such vessel and the tackle, rigging, apparel, furniture, stores, and cargo thereof shall be forfeited.

4. All goods and vessels and the tackle, rigging, apparel, furniture, stores, and cargo thereof, liable to forfeiture under this Act, may be seized and secured by any officer or person mentioned in the second section of this Act, and every person opposing any officer or person in the execution of his duty under this Act, or aiding or

abetting any other person in such opposition, shall be deemed guilty of a misdemeanour, and liable to a fine of 500 dollars.

5. In any prosecution under this Act, the presence on board of any foreign fishing-vessel, in any port of this island, or within British waters aforesaid, of any caplin, squid, or other bait fishes, of ice, lines, seines, or other outfits or supplies for the fishery, shall be *primâ facie* evidence of the purchase of the said bait fishes and outfits within such port or waters, and the refusal or failure to produce a licence upon being called upon so to do shall be *primâ facie* evidence of the purchase of bait, ice, lines, seines, or other supplies or outfits for the fishery without a licence.

6. All offenders against the provision of this Act may be prosecuted and convicted, and all fines, forfeitures, penalties, and other punishments imposed, recovered, and made, in a summary manner, before a Stipendiary Magistrate. For the purposes of this Act all Stipendiary Magistrates shall be deemed to be Stipendiary Magistrates for the Colony, and may exercise the jurisdiction given by this Act in any part of the Colony.

7. If any person convicted under this Act shall feel himself aggrieved by such conviction, he may appeal therefrom to the then next sitting of Her Majesty's Supreme Court, holden in or nearest the place where such conviction shall have been had, or in St. John's: Provided notice of such appeal and of the cause and matter thereof be given to the convicting Magistrate in writing, within seven days next after such conviction, and the party desiring to appeal shall also, within fourteen days after such notice, give and enter into recognizance with two approved sureties before the convicting Magistrates conditioned for the appearance of the person convicted at such next sitting of the Supreme Court, on the first day of such sitting, for the prosecution of the appeal with effect and without delay, to abide the judgment of the Court thereon, and for the delivery and surrender of any vessel or other property ordered to be confiscated, and to pay such costs as the Court may award.

8. No proceeding or conviction by, nor order of, any Magistrate or other officer under this Act shall be quashed or set aside for any informality, provided the same shall be substantially in accordance with the intent and meaning of this Act.

9. Nothing in this Act shall affect the rights and privileges granted by Treaty to the subjects of any State in amity with Her Majesty.

10. Any foreign fishing-vessel may enter any port of entry of this island for the purpose of applying for a licence under the provisions of this Act. Applications for licences under this Act shall be made to a Customs officer at a port of entry in this Colony, who is hereby authorized to issue the same. The fee for such

licence shall be 1 dol. 50 c. per registered ton, to be paid to the Customs officer issuing said licence. The form of such licences, and the terms and conditions under which the same shall be granted, shall be determined by the Governor in Council.

11. In this Act the word "vessel" shall include any boat or ship registered or not registered, jack, skiff, punt, or launch, whether propelled by sails, oars, or steam.

*TREATIES, &c., between Great Britain and Native Chiefs
and States in Central Africa.—1890–1893.*

(1.)—*Treaty with Kazembe.*—September 30, 1890.

TREATY made at Kazembe's, in Lunda, this 30th day of September, in the year 1890, between Alfred Sharpe, for and on behalf of Her Majesty the Queen of Great Britain and Ireland, Empress of India, &c., her heirs and successors, on the one part, and the Undersigned, Kazembe, for his heirs and successors, on the other part.

I, THE Undersigned, Kazembe, do, in the presence of Headmen and people assembled at this place, hereby promise:—

1. That there shall be peace between the subjects of the Queen of England and my subjects.

2. That British subjects shall have free access to all parts of my country, and shall have the right to build houses and possess property according to the laws in force in this country; that they shall have full liberty to carry on such trade or manufacture as may be approved by Her Majesty; and should any difference arise between the aforesaid British subjects and me, the said Kazembe, as to the duties or customs to be paid to me, the said Kazembe, or the Headmen of the towns in my country, by such British subjects, or as to any other matter, that the dispute shall be referred to a duly authorized Representative of Her Majesty, whose decision in the matter shall be binding and final; and that I will not extend the rights thus guaranteed to British subjects to any other persons without the knowledge and consent of such Representative.

3. That I, the said Kazembe, will at no time whatever cede any of my territory to any other Power, or enter into any Agreement, Treaty, or Arrangement with any foreign Government except

through and with the consent of the Government of Her Majesty the Queen of England, &c.

Done at Kazembe's, this 30th day of September, 1890.

ALFRED SHARPE.

His
× KAZEMBE.
mark.

Signed in the presence of—

His
× BANDAWE.
mark.

Witness:

ALFRED SHARPE.

I, the Undersigned, do swear that I have truly and honestly interpreted the terms of the foregoing Agreement to the Contracting Parties, in the Kiswahili language.

His
× BANDAWE.
mark.

Witness to signature:

ALFRED SHARPE.

It is hereby mutually agreed between the parties to this Treaty that the boundaries of the country belonging to the said Kazembe are as follows:—

Bounded on the west by Lake Mwero and the Luapula River; on the south by latitude $10^{\circ} 30'$ (or thereabouts); on the north by the Kalongwizi River and by latitude $9^{\circ} 20'$ (or thereabouts); on the east by east longitude 30° (or thereabouts). †

His
× KAZEMBE.
mark.

ALFRED SHARPE.

Witness:

His
× BANDAWE.
mark.

I hereby make oath and declare that, at the same time that this Treaty was signed, I gave the said Kazembe, at his request, the British flag, and explained to him that his acceptance of it made him a subject of Her Majesty the Queen of England, &c.

ALFRED SHARPE,

Solicitor of the Supreme Court of Westminster.

(2.)—*Treaty with Nsama.*—October 16, 1890.

TREATY made at Nsama's, in Itawa, this 16th day of October, in the year 1890, between Alfred Sharpe, for and on behalf of Her Majesty the Queen of Great Britain and Ireland, Empress of India, &c., her heirs and successors, on the one part, and the Undersigned, Nsama, for his heirs and successors, on the other part.

I, THE Undersigned, Nsama, do, in the presence of Headmen and people assembled at this place, hereby promise:—

1. That there shall be peace between the subjects of the Queen of England and my subjects.

2. That British subjects shall have free access to all parts of my country, and shall have the right to build houses and possess property according to the laws in force in this country; that they shall have full liberty to carry on such trade or manufacture as may be approved by Her Majesty; and should any difference arise between the aforesaid British subjects and me, the said Nsama, as to the duties or customs to be paid to me, the said Nsama, or the Headmen of the towns in my country by such British subjects or as to any other matter, that the dispute shall be referred to a duly authorized Representative of Her Majesty, whose decision in the matter shall be binding and final; and that I will not extend the rights thus guaranteed to British subjects to any other persons without the knowledge and consent of such Representative.

3. That I, the said Nsama, will at no time whatever cede any of my territory to any other Power, or enter into any Agreement, Treaty, or Arrangement with any foreign Government except through and with the consent of the Government of Her Majesty the Queen of England, &c.

Done at Nsama's, this 16th day of October, 1890.

His

× NSAMA.

mark.

ALFRED SHARPE.

Signed in the presence of—

His

× BANDAWE.

mark.

Witness:

ALFRED SHARPE.

I, the Undersigned, do swear that I have truly and honestly interpreted the terms of the foregoing Agreement to the Contracting Parties in the Kiswahili language.

His
× BANDAWE.
mark.

Witness to signature :

ALFRED SHARPE.

It is mutually agreed between the said Nsama and Her Majesty the Queen of Great Britain and Ireland, &c., that the boundaries of the country belonging to the said Nsama are as follows :—

Bounded on the west by Lake Mwero ; on the east by Chungu's country (east longitude 30°, or thereabouts) ; on the north by south latitude 8° 25' (or thereabouts) ; on the south by the Kalongwizi River, and by south latitude 9° 20' (or thereabouts).

His
× NSAMA.
mark.

ALFRED SHARPE.

Witness :

His
× BANDAWE.
mark.

I hereby make oath and declare that, at the same time that this Treaty was signed, I gave the said Nsama, at his request, the British flag, and explained to him that his acceptance of it made him a subject of Her Majesty the Queen of England, &c.

ALFRED SHARPE,

Solicitor of the Supreme Court of Westminster.

(3.)—*Treaty with Chief Kawinga.—June 15, 1891.*

TREATY made at Chikala, in presence of Sub-Chiefs and people assembled, between John Buchanan, Esq., Her Britannic Majesty's Acting Consul, Nyasa, on behalf of Her Britannic Majesty, Queen of Great Britain and Ireland, Empress of India, Defender of the Faith, &c., her heirs and successors, on the one part, and Kawinga, ruling Chief of Chikala and country, on the other part.

It is hereby agreed :—

1. That there shall be peace between Kawinga's subjects and the subjects of Her Britannic Majesty.

2. That the subjects of Her Britannic Majesty shall have free access to all parts of Kawinga's country, and shall have the right to

trade, build, plant, lease or purchase land, or engage in any such work as Her Britannic Majesty may permit.

3. That all disputes, of whatever nature, arising between Kawinga's subjects and the subjects of Her Britannic Majesty, shall be referred to a duly authorized Representative of Her Majesty, whose decision shall be binding and final.

4. That the said Kawinga and undersigned Sub-Chiefs and Headmen bind themselves, their heirs and successors, not to enter into any Treaty or Agreement with any foreign Power without the consent of Her Britannic Majesty.

5. That the said Kawinga, Sub-Chiefs, and Headmen bind themselves, their heirs and successors, to respect the wishes of Her Britannic Majesty that slavery should cease in all the countries over which her gracious influence extends.

Done at Chikala, this 15th day of June, 1891.

JOHN BUCHANAN, *Her Majesty's*
Acting Consul.

Their
× KAWINGA.
× KUMLOMBA.
× CLULUPENJU.
marks.

Witnesses:

HENRY E. SCOTT, *Medical Missionary,*
Church of Scotland Mission, Domasi.

KWIUNDA, *Consular Servant.*

I, the Undersigned, do hereby swear that I have faithfully interpreted the foregoing Treaty to the above-signed parties in the Chi-Yao language.

JOHN BUCHANAN.

Witnesses to signature:

HENRY E. SCOTT.

KWIUNDA.

It is hereby agreed that the boundaries are as follows:—

On the east, the east side of Lake Shirwa, thence to Lake Chiuta and Namalamba; on the north, Masanje to Mfera at the River Shiré; on the west, Zineso's land and that of Mpimbe; and on the south, the boundary of Malemya.

JOHN BUCHANAN, *Her Majesty's*
Acting Consul.

His
× KAWINGA.
mark.

Witnesses:

HENRY E. SCOTT.

KWIUNDA.

(4.)—*Act of Cession to Great Britain of a new Strip of Country along the right Bank of the Shiré.*—July 21, 1891.

(Translation.)

WE, the Chiefs and Headmen of the Makanga and Machinjiri countries, whose names are signed here below, do by this deed make over in perpetuity to Her Majesty the Queen of Great Britain and Ireland, Empress of India, the entire sovereignty of that portion of our country which is bounded as follows:—

On the north by the former Portuguese boundary, which, starting from opposite the confluence of the Ruo, ran due west to the water-parting between the basins of the Zambezi and the Shiré; on the west by the dividing line of the said water-parting along the range of the Makanga and Sena Mountains; on the south by a straight line running latitudinally between the said water-parting and a point on the right bank of the River Shiré opposite Chiwanga, in about 17° 10' south latitude; and on the east by the centre of the course of the River Shiré, including thus such islands and islets as lie to the west of the centre of the said river. Together with the sovereignty of the country, we, the said Chiefs and Headmen, do further make over to Her Majesty the Queen of Great Britain and Ireland, Empress of India, the ownership of the soil, and of all minerals, metals, and precious stones which may be contained therein, throughout the extent of country bounded by the limits above set forth, due reservation, however, being made of the properly established claims of third parties existing at the date of this Act of Cession.

In witness of the above Act of Cession, we do hereby put our hands to this deed this 21st day of July, 1891, at the British Settlement of Tshilomo, on the Shiré River.

Their

× MPAMBA.
 × MALEMIA.
 × NTUMBA.
 × NANTUMBI.
 × MBANGOMBE
 × MGONA.
 × INYEKISA.
 × KOTAMO.
 × TSHIPANGULA.
 × NTSHATSHA.
 × TEUGANI.
 × DOMINGO.
 × TSHATA-IKO.

marks.

Their

× BETA.
 × TSHIKAO.
 × NKABO.
 × TSHIPEMBWE.
 × TSHASAKA.
 × NTONDO.

marks.

H. H. JOHNSTON, *Her Majesty's Commissioner.*

HENRY J. KEANE, *Lieutenant-Commander,*
H.M.S. Herald.

Witnesses to signatures :

ALFRED SHARPE, *Her Majesty's Vice-Consul.*

B. L. SCLATER, *Lieutenant, R.E.*

Tshilomo, River Shiré, July 21, 1891.

Tshikunda Translation of Deed.

[Not printed.]

I, ALLAN SIMPSON, merchant, residing at Port Herald, on the right bank of the River Shiré, do hereby declare, on honour, that the foregoing is a faithful translation in the Tshikunda tongue of the Act of Cession of the Makanga and Machinjiri Chiefs, and that the said translation has been read over to them before signing, and that they have been furnished with a copy.

ALLAN SIMPSON.

Witnesses to the above signature :

H. H. JOHNSTON, *Her Majesty's Commissioner.*

HENRY J. KEANE, *Lieutenant-Commander,*
H.M.S. Herald.

(5.)—*Tshingomanji's Deed of Cession of Sovereign Rights.*—
August 22, 1891.

I, TSHINGOMANJI, Chief of the country on the southern slope of Milanji Mountain, do hereby cede all my sovereign rights to Her Majesty the Queen of Great Britain and Ireland, Empress of India, and I promise and agree to abide by all Regulations and Ordinances which Her Majesty's Representatives in Nyasaland may make for the better governance of the country, and to compel my subjects to do the same.

In witness whereof I have this day put my hand to this Declaration in the town of Tshilomo, on the 22nd day of August, 1891.

His

× TSHINGOMANJI.
mark.

Witnesses to signature :

H. H. JOHNSTON, *Her Majesty's Commissioner.*

HUGH C. MARSHALL.

(6.)—*M'ponda's Deed of Cession of Sovereign Rights.*—October 24, 1891.

I, M'PONDA, Chief of the Western Yaos, do hereby cede to Her Majesty the Queen of Great Britain and Ireland, Empress of India, the full sovereign rights of my country, reserving only the proprietary rights to the soil, and I agree that this cession of sovereign rights shall be defined and supplemented as follows:—

1. All slavery and slave-trading, or the transit of slaves, within and across my territories, are henceforth declared illegal, and I not only solemnly promise to do all in my power to stop these malpractices, but I consent to the officers of Her Majesty's Government taking whatever measures may seem necessary to them within my territories to stamp out slavery and the Slave Trade.

2. I consent to Her Majesty's Government exercising full and complete jurisdiction over all foreigners within my territories, and over all my own subjects outside the limits of my country.

3. The collection of customs and revenue from foreigners within my territories I make over to Her Majesty's Government entirely, on condition only that a sum of 100*l.* a-year is paid me (irrespective of the amount collected) as a commutation of my claim to tax foreigners.

4. I promise to pay out of the taxation of my own people to the British Central African Administration a subsidy to enable it to maintain a sufficient police force within and around my territories to keep order among the surrounding tribes, and to effectually suppress the Slave Trade. This subsidy shall be calculated at a rate in accordance with the resources of the country.

5. The mineral rights of my country are vested in the Government of Her Majesty, which may dispose of them as it will; but 5 per cent. of the profits of working the said minerals will be paid to me by the said Government or by the persons to whom it may make over these mineral rights.

Given under my hand and seal at Fort Johnston, on the left bank of the Upper Shiré, this 24th day of October, 1891.

His
× M'PONDA.
mark.

Witnesses to signature :

H. H. JOHNSTON, *Her Majesty's Commissioner.*

CECIL MAGUIRE, *Captain,*

British Central African Administration.

(7.)—*Kazembe's Deed of Cession of Sovereign Rights.*—October 31, 1891.

I, KAZEMBE, Sultan of Rifu, do hereby cede to Her Majesty the Queen of Great Britain and Ireland, Empress of India, the full sovereign rights of my country, reserving only the proprietary rights to the soil; and I agree that this cession of sovereign rights shall be defined and supplemented as follows:—

1. All slavery and slave-trading, or the transit of slaves within and across my territories, are henceforth declared illegal; and I not only solemnly promise to do all in my power to stop these malpractices, but I consent to the officers of Her Majesty's Government taking whatever measures may seem necessary to them within my territories to stamp out slavery and the Slave Trade.

2. I consent to Her Majesty's Government exercising full and complete jurisdiction over all foreigners within my territories, and over all my own subjects outside the limits of my country.

3. I make over to Her Majesty's Government the collection of all customs duties and revenue from foreigners within my territories. I make over my claims to Her Majesty's Government in this respect on condition that 10 per cent. of the amount annually collected is paid to me.

4. I promise out of the taxation of my own people to pay to the British Central African Administration a subsidy to enable it to maintain a sufficient police force within or around my territories to keep order among the people and to effectually suppress the Slave Trade. This subsidy shall for the present be fixed at 20 frasilahs (about 700 lbs.) of ivory yearly, commencing from the 1st January, 1892. If, however, ivory cannot be procured, the subsidy can be paid in money at the rate of 250*l.* a-year, or in food stuffs or commercial products rated at their local value.

5. The mineral rights of my country are vested in the Government of Her Majesty the Queen, which may dispose of them as it

will; but 5 per cent. of the profits of working the said minerals will be paid to me by the said Government, or by the persons to whom it may make over these mineral rights.

Given under my hand at Rifu Bay, on Lake Nyasa, this 31st day of October, 1891.

His
× KAZEMBE.
mark.

Witnesses to signature:

H. H. JOHNSTON, *Her Majesty's Commissioner.*

CECIL MAGUIRE, *Captain,*

British Central African Administration.

(Signature of Naigree Dasonda Singh, Indian Police, B.C.A.)

(Signature of Bin Omari.)

(8.)—*Zarafi and Tshindamba's Deed of Cession of Sovereign Rights.*—
November 7, 1891.

WE, Zarafi and Tshindamba (Makandanji), Chiefs of the eastern section of the Matshinga Yao, do hereby cede to Her Majesty the Queen of Great Britain and Ireland, Empress of India, the full sovereign rights of our country.

We agree to the entire abolition of slavery, and promise to aid to the best of our ability the officers of Her Majesty's Government and of the British Central African Administration in their endeavours to stop the transit of slaves across our territories, and to capture persons engaged in the Slave Trade.

We make over without reserve to Her Majesty's Government the mineral rights of our country, the collection of customs duties and revenue from foreigners, complete jurisdiction over all foreigners, and, in return for the protection afforded by the police force of the British Central African Administration, we agree to pay that Administration an annual tax to be computed at the rate of 6s. per house, or the value of 6s. in food stuffs or marketable products.

We also recognize that the waste lands bounded on the north by Lake Nyasa, on the west by the River Shiré, on the south by a line drawn from the point where the Shiré expands into Lake Pamalombwe to the base of the nearest hill on the east of the Shiré, and on the east by the base of the nearest range of hills or mountains eastward of the Shiré—in short, about 36 square miles of plain—are the property of Her Majesty the Queen, to be disposed of as shall seem good to Her Majesty's Government.

Given at Fort Johnston, on the Upper Shiré, this 7th day of November, 1891.

Witness our hands.

Their
× ZARAFI.
× TSHINDAMBA.
marks.

Witnesses to signatures:

H. H. JOHNSTON, *Her Majesty's Commissioner*.
CECIL MAGUIRE, *Captain, 2nd H. C. Lancers*,
British Central African Administration.

I, Mkata, Chief of the country on the eastern shores of Lake Pamalombwe, do hereby adhere to this Agreement.

Witness my hand.

His
× MKATA.
mark.

Witnesses to Mkata's signature:

H. H. JOHNSTON, *Her Majesty's Commissioner*.
CECIL MAGUIRE, *Captain, 2nd H. C. Lancers*,
British Central African Administration.

HAMIM (in Arabic).

KIONGWE (in Arabic).

(Seal.)

We, the Undersigned, solemnly declare that the foregoing document has been carefully and exactly translated to the Signatories in the Kiswahili and Tshi-yao languages.

H. H. JOHNSTON, *Her Majesty's Commissioner*.
KIBAGANDA (in Arabic).
KIONGWE (in Arabic).

I, Henry Hamilton Johnston, Her Majesty's Commissioner for British Central Africa, do hereby promise for and on behalf of the British Central African Administration that, as long as the Chiefs Zarafi and Tshindamba (Makandanji) shall faithfully abide by the terms of this Deed of Cession, they shall be paid quarterly the sum of 12l. 10s. each, amounting in all to a joint subsidy of 100l. a-year.

Witness my hand this 7th day of November, 1891.

H. H. JOHNSTON, *Her Majesty's Commissioner*.

Witness to signature:

CECIL MAGUIRE, *Captain, 2nd H. C. Lancers*,
British Central African Administration.

(9.)—*M'ponda's Deed of Cession of Livingstonia Territory.*—
November 8, 1891.

I, M'PONDA, Chief of the Western Yaos, do hereby cede absolutely and in perpetuity to Her Majesty the Queen of Great Britain and Ireland, Empress of India, that portion of my territory which is known as the promontory of Cape Maclear, and which includes the Settlements of Livingstonia and Monkey Bay, and the adjacent islands and islets on Lake Nyasa. The said lake surrounds the ceded territory on the west, north, and east, but the land boundary on its southern side shall be a line drawn from a point one mile to the south of the southern promontory of Monkey Bay, straight across the peninsula to a point on its western coast five miles to the south of the western limit of Livingstonia Bay, and near the present village of Mbampa.

All my existing proprietary rights within this ceded territory I make over without reservation to Her Majesty the Queen.

In witness whereof I sign this Deed of Cession at Fort Johnston, this 8th day of November, 1891.

His
× M'PONDA.
mark.

Witnesses to signature:

H. H. JOHNSTON, *Her Majesty's Commissioner.*

CECIL MAGUIRE, *Captain, 2nd H. C. Lancers,*

British Central African Administration.

(10.)—*Liwonde's Deed of Cession of Sovereign Rights.*—November 13,
1891.

I, LIWONDE, a Chief on the Upper Shiré, do hereby cede to Her Majesty the Queen of Great Britain and Ireland, Empress of India, the full sovereign rights of my country.

I agree to the entire abolition of slavery, and promise to aid to the best of my ability the officers of Her Majesty's Government and of the British Central African Administration in their endeavours to stop the transit of slaves across my territories, and to capture persons engaged in the Slave Trade.

I make over without reserve to Her Majesty's Government, or to those to whom Her Majesty may depute her rights, the collection of customs duties and revenue from foreigners, complete jurisdiction over all foreigners, and the right to search for and work all minerals in my country. Further, I agree to pay the British Central African Administration an annual house tax to be computed at the rate of 6s. per house (or the value of 6s. in food stuffs or marketable

products), in return for the protection afforded me by the police force of the Administration.

Given at Karungu, on the Upper Shiré, this 13th day of November, 1891.

Witness my hand.

His
× LIWONDE.
mark.

Witnesses to signature:

H. H. JOHNSTON, *Her Majesty's Commissioner*.

CECIL MAGUIRE, *Captain, 2nd H. C. Lancers*,

British Central African Administration.

We, the Undersigned, solemnly declare that the foregoing document has been carefully and exactly translated to Liwonde in the Kiswahili and Tshi-yao languages, and has been signed by him in full knowledge of its contents.

H. H. JOHNSTON, *Her Majesty's Commissioner*.

Their

× NJIWA.

× KHALFAN.

marks.

Witness to signatures:

CECIL MAGUIRE, *Captain, 2nd H. C. Lancers*,

British Central African Administration.

(11.)—*Msamara and Tshingwalu-ngwalu's Deed of Cession of Sovereign Rights.*—November 14, 1891.

WE, Msamara Tshikusi and Tshingwalu-ngwalu, Yao Chiefs on the western bank of the Upper Shiré, do hereby cede to Her Majesty the Queen of Great Britain and Ireland, Empress of India, the full sovereign rights of our country.

We agree to the entire abolition of slavery, and promise to aid to the best of our ability the officers of Her Majesty's Government and of the British Central African Administration in their endeavours to stop the transit of slaves across our territories, and to capture persons engaged in the Slave Trade.

We make over without reserve to Her Majesty's Government, or to those to whom Her Majesty may depute her rights, the collection of customs duties and revenue from foreigners, complete jurisdiction over all foreigners, and the right to search for and work all minerals in our country. Further, we agree to pay the British Central African Administration an annual tax to be computed at the rate of 6s. per house (or the value of 6s. in food stuffs or marketable

products), in return for the protection afforded us by the police force of the Administration.

Given at Tshaguta, on the Upper Shiré, this 14th day of November, 1891.

Witness our hands.

Their

× MSAMARA.

× TSHINGWALU-NGWALU.

marks.

Witnesses to signatures :

H. H. JOHNSTON, *Her Majesty's Commissioner.*

CECIL MAGUIRE, *Captain, 2nd H. C. Lancers,*

British Central African Administration.

We, the Undersigned, solemnly declare that the foregoing document has been carefully and exactly translated to Msamara and Tshingwalu-ngwalu by us in the Kiswahili and Tshi-yao tongues, and has been signed by them in full knowledge of its contents.

H. H. JOHNSTON, *Her Majesty's Commissioner.*

Their

× NJIWA.

× KHALFAN.

marks.

Witness to signatures :

CECIL MAGUIRE, *Captain, 2nd H. C. Lancers,*

British Central African Administration.

(12.)—*Treaty with Kampama, Chief of Tshiradzulu.—December 15, 1891.*

I, KAMPAMA, ruling Chief of the Tshiradzulu district (country), do hereby declare that I have this day, for myself, my heirs and successors, ceded all my sovereign rights, including all minerals and mining rights, absolutely and without reserve, to Her Britannic Majesty the Queen of Great Britain and Ireland, Empress of India, &c., her heirs and successors, &c.

And I further declare that I have accepted, for myself and my people, the Laws and Regulations as explained to me by Mr. Buchanan, and now in force ; and I promise to agree and abide by all Regulations and Ordinances which Her Majesty's Representatives in Nyasaland may make for the better governance of the country, and to compel my subjects to do the same.

Given under my hand at Lisanga, this 15th day of December, 1891.

KAMPAMA.

His
× KUMALIKA.
mark.

Signed in the presence of—

JOHN BUCHANAN, *Her Britannic Majesty's*

Acting Vice-Consul for Nyasa.

PETER KAMBONA, *Servant, Lisanga.*

(13.)—*Treaty with Blantyre Chiefs.*—December 21, 1891.

WE, the undersigned ruling Chiefs, Sub-Chiefs, and Headmen, do hereby certify that we have this day, for ourselves, our heirs and successors, ceded all our sovereign rights, including all minerals and mining rights, absolutely and without reserve, to Her Britannic Majesty the Queen of Great Britain and Ireland, Empress of India, &c.

And we further certify that we accept the Laws and Regulations made by Her Majesty's Commissioner, as explained to us by Mr. Buchanan, and now in force; and promise to agree and abide by all Regulations and Ordinances which Her Majesty's Representatives in Nyasaland may make for the better government of the country, and to compel our subjects to do the same.

Done at Michiru, this 21st day of December, 1891.

Their

- × KABENI, *Ruling Chief (Soche).*
- × MALOLI, *Sub-Chief (Wilandi).*
- × CHELUCHERE, *Ruling Chief (Wilandi).*
- × MACHINJIRI, *Sub-Chief (Wilandi).*
- × MANGOMBE, *Sub-Chief (Wilandi).*
- × CHELUTAMBO, *Sub-Chief (Soche).*
- × CHELUSOMBA, *Sub-Chief (Soche).*
- × CHELUBOMA, *Sub-Chief (Soche).*
- × CHECHIROBWE, *Sub-Chief (Soche).*
- × KUCHIKWAMBA, *Sub-Chief (Soche).*
- × KUCHINGOMBE, *Sub-Chief (Wilandi).*
- × CHEMAKATA, *Ruling Chief (Wilandi).*
- × CHELUSONGA, *Headman (Wilandi).*
- × MALUNGA, *Headman (Wilandi).*
- × MAKWERANI, *Headman (Wilandi).*
- × MLENGA, *Headman (Wilandi).*

marks.

Their

× KUCHETUNGUWE, *Headman (Soche)*.

× MPONDA, *Headman (Wilandi)*.

marks.

Signed in the presence of—

JOHN BUCHANAN, *Her Britannic Majesty's*

Acting Vice-Consul for Nyasa.

F. J. WHICKER, *Revenue Officer, Michiru.*

DAVID BUCHANAN, *Planter, Michiru.*

Witnesses:

JOHN BUCHANAN.

F. J. WHICKER.

DAVID BUCHANAN.

I solemnly declare that I have faithfully interpreted the contents of this document and explained its meaning to the aforesaid ruling Chiefs, Sub-Chiefs, Headmen, and people, in the Cheyao language.

JOHN BUCHANAN, *Her Britannic Majesty's*
Acting Vice-Consul for Nyasa.

(14.)—*Treaty with Makololo Chiefs.—February 9, 1892.*

WE, the undersigned ruling Chiefs, Sub-Chiefs, and Headmen, do hereby certify that we have this day, for ourselves, our heirs and successors, ceded all our sovereign rights, including all mineral and mining rights, absolutely and without reserve, to Her Britannic Majesty the Queen of Great Britain and Ireland, Empress of India, &c., we receiving out of the net profit from all minerals worked in our country such a percentage as may seem to Her Majesty's Representative fair and just.

And we further certify that we have accepted and hereby renew our acceptance of the Laws and Regulations made by Her Majesty's Commissioner, as explained to us by Mr. Buchanan, and now in force, and promise to agree and abide by all Regulations and Ordinances which Her Majesty's Representatives in Nyasaland may make for the better government of the country, and to compel our subjects to do the same.

Given under our hands and seal this 9th day of February, 1892

(Seal.)

Their

× MASEA.

× MULLILIMA.

× KATUNGA.

× JOHN.

marks.

Their

- × DADWALU.
- × CHIBALANGOU DO.
- × KAHULIKIRA.
- × MUKUATE.
- × KATEMALINGA.
- × NADZIKAMBE.
- × MATAYA.
- × TOMALI.
- × MIRAMBE.
- × CHIHOLLOPOLO.
- × CHIKUNGU.
- × MANGANI.
- × KALUHYA.
- × NAMILA.
- × KAMUTI.
- × KATIMBANYO.
- × GALUAKADWALA.
- × MTWANA.
- × CHITEZI.
- × ZOUZESI.
- × KAVINA.
- × CHIKUNTO.
- × NJERENGA.

marks.

Signed in the presence of—

FREDERICK JAMES WHICKER,

British Central African Administration.

ROBERT BUCHANAN,

Planter, Zomba, Michiru.

I hereby solemnly declare that I have faithfully translated and explained this document to the above-signed Chiefs and Headmen, and that it has been duly executed by them in my presence and in that of the attesting witnesses, Frederick James Whicker and Robert Buchanan, at Michiru, this 9th day of February, 1892.

JOHN BUCHANAN, *Her Britannic Majesty's*
Acting Vice-Consul for Nyasa.

(15.)—*Treaty with Malemia.*—March 26, 1892.

I, MALEMIA, ruling Chief of the country known as Kumjale, do hereby certify that I have this day, for myself, my heirs and successors, ceded to Her Britannic Majesty the Queen of Great Britain

and Ireland, Empress of India, &c., her heirs and successors, all my sovereign rights, including all minerals and mining rights within my territory, which is defined as follows: On the south and south-west the Naisi River and the boundary of Buchanan's-land to the Mtondwe River, thence to the Palombe River; on the east, Lake Shirwa; on the north, Domasi and Lifani Rivers; and on the west the mountains of Zomba and Malosa; also that tract of land lying between the Mponda, Mbesi, and Likangala Rivers (streams) to the west of Mlungusi estate and the Residency grounds.

Her Britannic Majesty, through her Representative, undertaking to pay to me, my heirs or successors, in the event of minerals being worked in my country, such proportion of the profits as may seem to them fair and just.

I also declare that I have accepted for myself and my people the Laws and Regulations now in force within the Shiré Province of British Central Africa; and, further, in consideration of what I have this day received from Her Majesty's Representative, I bind myself, my heirs and successors, not to sell or lease any part of my land without first having obtained in writing the full approval of Her Majesty's Representative.

Done at Zomba, this 26th day of March, 1892.

Their

× MALEMIA.

× MBWANI.

marks.

Witnesses:

JAMES P. CAMERON, *Planter, Mlungusi.*

DONALD MALLOCH, *Assistant, Mlungusi.*

I hereby declare that I have faithfully interpreted the foregoing Treaty and made its meaning clear to Malemia and his Headmen in the Chi-Yao language.

JOHN BUCHANAN.

(16.)—*Treaty with Tshe-Mlumbé.—March 28, 1892.*

I, TSHE-MLUMBE, ruling Chief of the territory lying to the west and south-west of Mount Zomba, do hereby certify that I have this day, for myself, my heirs and successors, ceded to Her Britannic Majesty the Queen of Great Britain and Ireland, Empress of India, &c., all my sovereign rights, including all minerals and mining rights within my territory as defined by the following boundaries:

On the east, the Mbesi stream and Malemia's land; on the north, the top of Mount Zomba to Malosa; on the west, Mr. Scharrer's land; on the south of the Likangala River; also that tract of country lying to the south of the Likangala River, bounded by the lands of Messrs. Buchanan Brothers, Dr. Rankin, and Mr. Bruce, known as Usenene and Ulumba; Her Britannic Majesty (through her Representative) undertaking, in the event of minerals being worked in my country, to pay to me, my heirs or successors, such proportion of the profits as may to them seem fair and just. I also declare that I have accepted for myself and my people the Laws and Regulations now in force within the Shiré Province of British Central Africa; and, further, in consideration of what I have this day received from H. H. Johnston, Esq., C.B., Her Majesty's Commissioner and Consul-General, I hereby bind myself, my heirs and successors, not to sell or lease any part of my land without first having obtained in writing the full approval of Her Majesty's Representative.

Done at Zomba, this 28th day of March, 1892.

Their

× TSHE-MLUMBE.

× CHEREKAMWENDO (son of Mlumbe).

× KAMWENDO, *Headman*.

marks.

Witnesses:

JOHN BUCHANAN, *Planter, Mlungusi*.

JAMES P. CAMERON, *Planter, Mlungusi*.

I hereby declare that I have faithfully interpreted the foregoing Treaty and made its meaning clear to Tshe-Mlumbe and his son, Headman, and people in the Chiyao language.

JOHN BUCHANAN.

(17.)—*Deed of Cession of Sovereign Rights by Makwira.*—May 11, 1892.

I, MAKWIRA, Chief in the Makololo country, do hereby certify that I have this day sold and made over absolutely to H. H. Johnston, Esq., C.B., Her Majesty's Commissioner for British Central Africa, all my right and title whatsoever to my country. Always excepting the lands, rights, and titles already sold by me. And I hereby bind myself not to sell any part or parcel thereof to any other person or persons without first obtaining the sanction in

writing of Her Majesty's Commissioner or chief Representative of Government in British Central Africa.

As witness my hand this 11th day of May, 1892.

MAKWIRA.

His
× GUMBALA, *Headman*.
mark.

Witnesses:

HUGH C. MARSHALL.

JOHN M. BELL.

I, Henry Hamilton Johnston, Her Majesty's Commissioner and Consul-General, do hereby transfer the above rights and titles, as conferred on me by Chief Makwira, to Her Most Gracious Majesty the Queen.

Witness my hand this 22nd day of June, 1892.

H. H. JOHNSTON, *Her Majesty's Commissioner
and Consul-General.*

(18.)—*Deed of Cession of Sovereign Rights by Mbengwa.*—June 13, 1892.

I, MBENGWA, Chief in the Lower Makololo country, do hereby certify that I have this day sold, and made over absolutely to Her Majesty the Queen of Great Britain and Ireland, Empress of India, &c., all my sovereign rights and all other rights and titles whatsoever to my country. Always excepting the lands, rights, and titles already sold by me. And I hereby bind myself not to sell or lease any part or parcel of said land to any person or persons whatsoever, without first obtaining the sanction in writing of Her Majesty's Commissioner or the chief Representative of Government in British Central Africa.

In witness whereof we have hereunto set our hands this 13th day of June, 1892.

MBENGWA.

Witnesses to signature:

HUGH C. MARSHALL.

JOHN M. BELL.

(19.)—*Deed of Cession by Mkula, Chief of Mkula, and Sultan of Itawa and Kabuire, to Great Britain.*—November 18, 1892.

I, MKULA, Chief of Mkula, and son and successor of Nsama, the late Sultan of Itawa and Kabuire, do hereby absolutely cede and

make over to Her Majesty the Queen of Great Britain and Ireland, her heirs and successors, for ever, all my countries of Itawa and Kabuire, and all my rights as Sultan of those countries (including Mkula), and also the sole rights which I hold by custom as Sultan of the said countries to own ivory and to get salt. And I make this cession for the purpose and in the hope that Her Majesty the Queen may establish a Government in the said countries, and protect me and my subjects from war and pillage, and enable us to live in peace and security.

Executed by me this 18th day of November, 1892, at Mkula, in the presence of my Headmen here assembled.

His
× MKULA.
mark.

Executed by the within-named Mkula, by placing his mark hereto in our presence, this 18th day of November, 1892.

ALFRED SHARPE, *Her Britannic Majesty's Vice-Consul.*

JOHN KYDD.

DAREDI (signature in Arabic).

(20.)—*Agreement with Makololo Chiefs.—December 29, 1892*

WE, the undersigned Makololo Chiefs, do hereby make over absolutely and in perpetuity to Her Majesty the Queen of Great Britain and Ireland, Empress of India, the whole of our territory, surrendering thereby all our proprietary rights to the same, under the following conditions:—

1. That our existing villages and plantations shall remain undisturbed and in our possession; or that if, for any reason, or from a wish on our part, agreed to by Her Majesty's Government, the said villages and plantations are given up and abandoned, sites of land of equal area shall be allotted to us elsewhere in the Makololo country.

2. That on all land sold or leased by Her Majesty's Government from out of the territories now made over to Her Majesty, a percentage of 10 per cent. shall be paid on the purchase-price, or on the annual rent, to the Makololo Chief who was previously the owner of the land.

Given under our hands and seals at Tshikwawa, on the River Shiré, this 29th day of December, 1892.

Their
× MASEA.
× MULILIMA.
marks.
2 A 2

Their
 × GANIMADZI KATUNGA.
 × MBOOLA (of Tshirala).
 × MWITU.
 marks.
 MAKWIRA (signed by Chief in writing).
 MBENGWA " "

Witnesses to signatures :

H. H. JOHNSTON, *Her Majesty's Commissioner
 and Consul-General.*

B. L. SCLATER, *Captain, R.E.*

J. BOWHILL.

(21.)—*Treaty with Chief M'Kumba.—July 10, 1893.*

I, M'KUMBA, Chief of the Amañanja (A-nyanja) people, on the northern slopes of Mount Mlanje, do hereby assert that the whole northern face of Mlanje, including the upper plateau and the peak of Tshambi, belonged to my over-lord, the late Tshipoka; and that the lands of the late Tshipoka having been ceded to Her Majesty the Queen of Great Britain and Ireland, Empress of India, the said northern face of Mlanje, including all its upper plateau and the peak of Tshambi, now belongs to Her Majesty the Queen of Great Britain and Ireland, Empress of India, to whom I, in my turn, do hereby make over absolutely and without reserve any rights which I may have retained over the said lands since Tshipoka's death. I also affirm my complete participation in the Treaty made, at the request of the late Tshipoka, by his heirs and assigns, in August 1890, with Mr. John Buchanan, C.M.G., Her Majesty's Acting Consul, by which Treaty all the territory of the late Tshipoka and his subsidiary Chiefs was made over to Her Majesty the Queen.

I further make over and transfer absolutely and in perpetuity to Her Majesty the Queen of Great Britain and Ireland all my own sovereign and territorial rights over my lands of Mitshesi and Matshemba, which are bounded as follows: On the west and south by the River Palombe, from its source to its entrance into Lake Shirwa; on the north by the south bank of Lake Shirwa as far as the entrance of the River Sombani; on the east by the River Sombani, from its entrance into Lake Shirwa up to its source, in or near Mount Mitshesi; and on the south by a line drawn from the source of the River Sombani to the source of the River Palombe, in such a manner as to bound continuously with the western boundary of the Chief Kanga's territory on the upper part of the Mitshesi Pass.

And in witness of the foregoing assertions and acts I have

hereunto set my hand and seal, this 10th day of July, 1893, at Fort Lister, Mitseshi Pass, Mount Mlanje.

(L.S.) M'KUMBA.

Their

× ZIPIRANI.

× TSHIOPYA.

marks.

Witnesses to Chief M'Kumba's signature :

H. H. JOHNSTON, *Her Majesty's Commissioner*
and *Consul-General*.

CHAS. E. JOHNSON, *Captain, Commanding*
Forces in British Central Africa.

JOHN M. BELL.

ALEXANDER WHYTE.

We, the Undersigned, do hereby declare that the Chief M'Kumba has signed the foregoing document in full understanding of its contents, the said document having been translated to him in Tshinyanja.

H. H. JOHNSTON, *Her Majesty's Commissioner*
and *Consul-General*.

CHAS. E. JOHNSON, *Captain, Commanding*
Forces in British Central Africa.

JOHN M. BELL.

ALEXANDER WHYTE.

Fort Lister, Mitseshi Pass, Mount Mlanje, July 10, 1893.

(22).—*Treaty with Chief Kanga, of North Mlanje.—July 12, 1893.*

I, KANGA, Chief of the Mitseshi Pass, North Mlanje, do hereby make over absolutely and cede in perpetuity to Her Majesty the Queen of Great Britain and Ireland, Empress of India, all my sovereign and territorial rights; I also agree, on behalf of myself and my subjects, to pay taxes to support the Administration of the British Central African Protectorate, the amount and kind of such taxes to be such as shall be fixed from time to time by the chief Representative of Her Britannic Majesty in the British Central African Protectorate.

And in witness of the foregoing Agreement I have hereunto set my hand and seal, this 12th day of July, 1893, at Fort Lister, North Mlanje, British Central Africa.

(L.S.) KANGA.

His

× MAKALANI.

mark.

Witnesses to the signature of Chief Kanga :

H. H. JOHNSTON, *Her Majesty's Commissioner*
and *Consul-General*.

JOHN M. BELL.

It is further agreed by the Undersigned, on behalf of the Government of Her Britannic Majesty, that, for as long as the Chief Kanga shall abide by the conditions of the foregoing Agreement, he shall be paid by the Administration of the British Central African Protectorate the sum of 125 rupees quarterly, or a sum total of 500 rupees per annum.

H. H. JOHNSTON, *Her Majesty's Commissioner*
and *Consul-General*.

Witness to signature :

JOHN M. BELL.

Fort Lister, July 12, 1893.

(23.)—*Treaty with Chiefs Kaduya, M'Kanda, and M'Kamula.*—
July 12, 1893.

WE, Kaduya, M'Kanda, and M'Kamula, Chiefs of the Matshemba country, do hereby make over absolutely and cede in perpetuity to Her Majesty the Queen of Great Britain and Ireland, Empress of India, all our sovereign and territorial rights; we also agree, on behalf of ourselves and our subjects, to pay taxes to support the Administration of the British Central African Protectorate, the amount and kind of such taxes to be such as shall be fixed from time to time by the chief Representative of Her Britannic Majesty in the British Central African Protectorate.

And in witness of the foregoing Agreement we have hereunto set our hands and seals, this 12th day of July, 1893, at Fort Lister, North Mlanje, British Central Africa.

Their
× KADUYA.
× M'KAMULA.
× M'KANDA.
marks.

Witnesses of the signatures of Chiefs Kaduya, M'Kanda, and M'Kamula :

H. H. JOHNSTON, *Her Majesty's Commissioner*
and *Consul-General*.

JOHN M. BELL.

CONVENTION d'Extradition entre la Belgique et la République de Libéria.—Signée à Bruxelles, le 23 Novembre, 1893.

[Ratifications échangées à Bruxelles, le 1^{er} Avril, 1895.]

SA Majesté le Roi des Belges et son Excellence le Président de la République de Libéria ayant jugé opportun, afin de mieux assurer l'administration de la justice et la répression des crimes dans leurs territoires respectifs, de se livrer réciproquement, sous certaines conditions, les personnes accusées ou condamnées du chef des crimes ci-après énumérés et qui auraient fui la justice de leur pays, ont nommé pour leurs Plénipotentiaires, à l'effet de conclure un Traité dans ce but, savoir :

Sa Majesté le Roi des Belges, le Comte de Merode Westerloo, Chevalier de son Ordre de Léopold, Grand-Cordon de l'Ordre du Sauveur de Grèce, &c., son Ministre des Affaires Étrangères ;

Son Excellence le Président de la République de Libéria, le Baron de Stein, Grand-Cordon de l'Ordre de la Rédemption Africaine, Officier de l'Ordre de Léopold, Grand-Officier de l'Ordre Royal du Lion, &c., Commissaire et Plénipotentiaire Spécial de son Gouvernement ;

Lesquels, après s'être communiqué réciproquement leurs pleins pouvoirs, reconnus en bonne et due forme, sont convenus des Articles suivants :—

ART. I. Les Hautes Parties Contractantes s'engagent à se livrer réciproquement, dans les circonstances et les conditions établies par le présent Traité, les individus qui, étant poursuivis ou condamnés pour un crime ou un délit commis sur le territoire de la partie requérante, seront trouvées sur le territoire de l'autre partie.

Néanmoins, lorsque le crime ou le délit donnant lieu à la demande d'extradition aura été commis hors du territoire des deux Parties Contractantes, il ne pourra être donné suite à cette demande que si la législation du pays requis autorise la poursuite des mêmes infractions commises hors de son territoire.

II. Les crimes et délits donnant lieu à extradition sont les suivants :

1. Meurtre (y compris l'assassinat, le parricide, l'infanticide, et l'empoisonnement) ; tentative de meurtre ; complot en vue de meurtre dans les cas prévus simultanément par la législation des deux pays ;

2. Homicide commis sans préméditation ou guet-apens ;

3. Coups portés et blessures faites volontairement avec préméditation ou ayant causé une maladie paraissant incurable, une incapacité permanente de travail personnel, la perte de l'usage absolu d'un organe, une mutilation grave, ou la mort sans intention de la donner ;

4. Contrefaçon ou altération de monnaie, ainsi que mise en circulation de la monnaie contrefaite ou altérée ;

5. Contrefaçon ou falsification des poinçons, coins, ou carrés destinés à la fabrication des monnaies ;

6. Faux, contrefaçon, ou altération, ou mise en circulation de ce qui est falsifié, contrefait, ou altéré ;

7. Soustraction frauduleuse ou vol ;

8. Destruction ou dégradation de constructions, machines, plantations, récoltes, instruments d'agriculture, appareils télégraphiques, ouvrages d'art, navires, tombeaux, dommages causés volontairement au bétail et à la propriété mobilière, délits qui sont réprimés dans la République de Libéria sous le nom de "malicious injuries to property ;"

9. Escroquerie d'argent, marchandises, ou valeurs sous de faux prétextes ;

10. Recèlement frauduleux d'argent, valeurs, ou objets mobiliers provenant d'escroquerie, de vol, ou de détournement ;

11. Crimes de banqueroutiers frauduleux prévus par la loi des deux pays ;

12. Détournement ou dissipation frauduleux au préjudice d'autrui, d'effets, deniers, marchandises, quittances, écrits de toute nature contenant ou opérant obligation ou décharge et qui avaient été remis à condition de les rendre ou d'en faire un usage déterminé ;

13. Faux serment, faux témoignage, et subornation de témoins ;

14. Bigamie ;

15. Viol ;

16. Attentat à la pudeur, sans violence ni menaces, sur des enfants de l'un ou de l'autre sexe âgés de moins de 14 ans ;

17. Attentat à la pudeur avec violences ou menaces, sur des personnes de l'un ou de l'autre sexe ;

18. Administration de drogues ou usage d'instruments en vue de provoquer l'avortement ;

19. Enlèvement de mineurs ;

20. Enlèvement d'enfants ;

21. Délaissement, exposition, ou recel d'enfants ;

22. Attentat à la liberté individuelle commis par des particuliers ;

23. Vol avec effraction ou escalade ;

24. Incendie ;

25. Vol avec violence (comprenant intimidation) ;

26. Tout acte punissable commis avec l'intention méchante de mettre en danger des personnes se trouvant dans un train de chemin de fer ;

27. Menaces d'attentat punissable d'une peine criminelle ;

28. Prise d'un navire par les marins ou passagers par fraude ou violence envers le capitaine ;

29. Échouement, perte, destruction, ou tentative d'échouement, de perte, ou destruction d'un navire à la mer par le capitaine ou les officiers et gens de l'équipage ;

30. Attaque ou résistance à bord d'un navire en haute mer et voie de fait envers le capitaine par plus d'un tiers de l'équipage ;

31. Révolte ou complot de révolte par deux ou plusieurs personnes à bord d'un navire en haute mer contre l'autorité du capitaine ;

32. Traite des Esclaves dans les cas prévus par la législation des deux pays ;

33. Résistance de la part des capitaine et gens de l'équipage aux ordres des officiers des navires de guerre agissant en vertu des Articles XLII et suivants de l'Acte Général de la Conférence de Bruxelles du 2 Juillet, 1890 ;*

34. Infraction aux dépenses concernant les armes à feu et les munitions prévues par les Articles VIII et IX du dit Acte Général.

Sont comprises dans les qualifications qui précèdent la complicité et la tentative, lorsqu'elles sont punissables d'après les lois des deux États.

III. Chaque Gouvernement est libre de refuser de livrer ses propres sujets à l'autre Gouvernement.

IV. L'extradition n'aura pas lieu si la personne réclamée par le Gouvernement Belge a été poursuivie et mise hors de cause, ou est encore poursuivie ou a déjà été punie dans la République de Libéria, ou si la personne réclamée par le Gouvernement de la République de Libéria a été poursuivie et mise hors de cause, ou est encore poursuivie ou a déjà été punie en Belgique pour le même acte punissable qui est cause de la demande d'extradition.

Si la personne réclamée est poursuivie ou subit une peine pour une autre infraction que celle qui a donné lieu à la demande d'extradition, son extradition sera différée jusqu'après la fin de la poursuite dans le pays auquel l'extradition est demandée, et en cas de condamnation jusqu'après qu'elle aura subi sa peine ou qu'elle aura été libérée.

V. L'extradition n'aura pas lieu si, depuis les faits imputés, le dernier acte des poursuites ou la condamnation, la prescription de l'action ou de la peine est acquise, d'après les lois du pays où le

* Vol. LXXXII, page 55.

prévenu s'est réfugié, au moment où la remise pourrait avoir lieu.

VI. Aucune personne accusée ou condamnée ne sera extradée si le délit pour lequel l'extradition est demandée est considéré par la partie requise comme un délit politique ou un fait connexe à un pareil délit, ou si la personne prouve que la demande d'extradition a été faite, en réalité, dans le but de la poursuivre ou de la punir pour un délit d'un caractère politique.

Ne sera pas réputé délit politique ni fait connexe à un semblable délit l'attentat contre la personne du Chef d'un Gouvernement étranger ou contre celle des membres de sa famille, lorsque cet attentat constitue le fait, soit de meurtre, soit d'assassinat, soit d'empoisonnement.

VII. La personne extradée pourra toutefois être poursuivie ou punie contradictoirement dans les cas suivants pour une infraction autre que celle qui a motivé l'extradition :—

1. Si elle a demandé à être jugée ou à subir sa peine, auquel cas sa demande sera communiquée au Gouvernement qui l'a livrée ;

2. Si elle n'a pas quitté, pendant le mois qui suit son élargissement définitif, le pays auquel elle a été livrée ;

3. Si l'infraction est comprise dans la Convention et si le Gouvernement auquel elle a été livrée a obtenu préalablement l'adhésion du Gouvernement qui a accordé l'extradition, ce dernier pourra, s'il le juge convenable, exiger la production de l'un des documents mentionnés dans l'Article IX de la présente Convention.

VIII. La demande d'extradition devra toujours être faite par la voie diplomatique ou consulaire.

IX. Lorsque la personne dont l'extradition est réclamée aura été condamnée à raison du crime ou du délit qu'elle a commis, la demande d'extradition sera accompagnée d'une expédition authentique de l'arrêt de la Cour ou du jugement du Tribunal qui a prononcé la sentence, munie du sceau de cette juridiction. La signature devra être légalisée par l'agent compétent du Pouvoir Exécutif, dont la signature sera, à son tour, attestée respectivement par le Consul de Belgique ou de Libéria. Quand le fugitif sera simplement prévenu d'un crime ou d'un délit, la réquisition devra être accompagnée d'une copie authentique du mandat d'arrêt rendu à sa charge dans le pays où le crime a été commis et des dépositions sur lesquelles ce mandat a été décerné. L'agent compétent du Pouvoir Exécutif en Belgique ou le Président de Libéria peut alors requérir l'arrestation du fugitif à fin d'examen devant l'autorité judiciaire compétente. S'il est décidé qu'il y a lieu à extradition, en présence du texte de la loi et des pièces produites, le fugitif peut être livré suivant les formes légales usitées en pareil cas.

X. En cas d'urgence, l'arrestation provisoire sera effectuée sur avis, transmis par la poste ou le télégraphe, de l'existence d'un mandat d'arrêt, à la condition toutefois que cet avis sera régulièrement donné par la voie diplomatique ou consulaire au Ministre des Affaires Étrangères du pays requis. L'arrestation provisoire aura lieu dans les formes et suivant les règles établies par la législation du Gouvernement requis; elle cessera d'être maintenue si dans le délai de trois mois à partir du moment où elle aura été effectuée, l'inculpé n'a pas reçu communication de l'un des documents mentionnés dans l'Article IX de la présente Convention.

XI. Tout objet trouvé en la possession de l'individu réclamé, au moment de son arrestation, sera, si l'autorité compétente en a ainsi ordonné, saisi pour être livré avec sa personne lorsque l'extradition aura lieu; cette remise ne sera pas limitée aux objets acquis par vol ou banqueroute frauduleuse, mais elle s'étendra à toute chose qui pourra servir de pièces à conviction. Elle se fera même si l'extradition, après avoir été accordée, ne peut s'accomplir par suite de l'évasion ou de la mort de l'individu réclamé.

Sont cependant réservés les droits des tiers sur les objets susmentionnés.

XII. Toutes les dépenses relatives à l'extradition seront supportées par l'État requérant.

XIII. Le présent Traité entrera en vigueur dix jours après sa publication dans les formes prescrites par la législation des pays respectifs. Chaque partie peut en tout temps mettre fin au Traité en donnant à l'autre, six mois à l'avance, avis de son intention.

Le présent Traité sera ratifié, et les ratifications en seront échangées à Bruxelles le plus tôt possible.

En foi de quoi les Plénipotentiaires respectifs ont signé ce même Traité et y ont apposé le sceau de leurs armes.

Fait à Bruxelles, le 23^e jour de Novembre, 1893.

(L.S.) COMTE DE MERODE WESTERLOO.

(L.S.) BARON DE STEIN.

CONVENTION entre la Suisse et l'Allemagne, concernant la Protection réciproque des Brevets, Dessins, Modèles, et Marques.—Signée à Berlin, le 13 Avril, 1892.

[Ratifications échangées à Berlin, le 2 Août, 1894.]

LE Conseil Fédéral Suisse, d'une part, et Sa Majesté l'Empereur d'Allemagne, d'autre part, désirant régler à nouveau les rapports de

leurs pays respectifs en ce qui concerne la protection des brevets, dessins, modèles, et marques, ont fait ouvrir des négociations à cet effet et ont désigné pour leurs Plénipotentiaires, savoir :

Le Conseil Fédéral de la Confédération Suisse, M. le Dr. Roth, son Envoyé Extraordinaire et Ministre Plénipotentiaire auprès de Sa Majesté l'Empereur d'Allemagne, Roi de Prusse ;

Sa Majesté l'Empereur d'Allemagne, Roi de Prusse, M. le Baron Adolphe Marschall de Bieberstein, son Conseiller Intime Actuel, Secrétaire d'État au Département des Affaires Étrangères ;

Lesquels ont, sous réserve des ratifications réciproques, établi et conclu la Convention suivante :—

ART. I.* Les ressortissants de l'une des Parties Contractantes jouiront, sur le territoire de l'autre Partie, des mêmes droits que les ressortissants de cette dernière, en ce qui concerne la protection des inventions, des dessins ou modèles (y compris les modèles d'utilité), des marques de fabrique ou de commerce, des raisons de commerce et des noms. En conséquence, ils jouiront de la même protection que les nationaux et auront le même recours légal contre toute violation de leurs droits, sous réserve de l'accomplissement des formalités imposées aux nationaux par la législation intérieure de chaque État.

II. Sont assimilées aux ressortissants, pour les effets de la présente Convention, les autres personnes qui ont leur domicile ou leur principal établissement sur le territoire de l'une des Parties Contractantes.

III.* Lorsqu'une invention, un dessin ou modèle, une marque de fabrique ou de commerce, auront été déclarés sur le territoire de l'une des Parties Contractantes, et que, dans un délai de trois mois, la déclaration aura aussi été effectuée sur le territoire de l'autre Partie, cette dernière déclaration aura le même effet que si elle avait été effectuée à la date de la première.

IV.* Le délai prévu à l'Article III commence :

(a.) Pour les dessins et modèles, ainsi que les marques de fabrique et de commerce, au moment de la première déclaration ;

(b.) Pour les inventions, au moment de la délivrance du brevet accordé ensuite de la première déclaration ;

(c.) Pour les objets qui sont déclarés en Allemagne comme modèles d'utilité et en Suisse comme inventions brevetables, au moment de la première déclaration, si celle-ci a lieu en Allemagne, et au moment où le brevet est délivré ensuite de la première déclaration, si celle-ci a lieu en Suisse.

Le jour de la déclaration ou de la délivrance n'est pas compris dans ce délai.

Est considérée comme date de la délivrance, en Allemagne, la date à laquelle est notifiée la décision définitive concernant la délivrance du brevet ; en Suisse, la date à laquelle le brevet est inscrit dans le registre des brevets.

V.*† Les conséquences préjudiciables qui, d'après les lois des Parties Contractantes, résultent du fait qu'une invention n'a pas été mise en œuvre, qu'un dessin ou modèle n'a pas été reproduit, ou qu'une marque de fabrique ou de commerce n'a pas été employée dans un certain délai, ne se produiront pas si la mise en œuvre, la reproduction ou l'emploi ont lieu sur le territoire de l'autre Partie.

L'importation, dans le territoire de l'une des Parties Contractantes, d'un produit fabriqué sur le territoire de l'autre Partie, n'aura, dans le premier, aucune conséquence préjudiciable pour la protection légale basée sur une invention, un dessin ou modèle, ou une marque de fabrique ou de commerce.

VI.* L'enregistrement d'une marque de fabrique ou de commerce enregistrée sur le territoire de l'une des Parties Contractantes ne pourra être refusé au propriétaire de la dite marque sur le territoire de l'autre Partie, pour la raison que la marque ne satisferait pas aux dispositions en vigueur chez cette dernière en ce qui concerne la composition et la configuration extérieure des marques.

VII. Les ressortissants de l'une des Parties Contractantes qui auront obtenu un brevet sur le territoire de l'autre Partie pourront faire valoir leurs droits résultant du dit brevet indépendamment de l'observation de toute prescription légale concernant l'apposition, sur les produits fabriqués d'après le brevet, ou sur leur emballage, d'un signe destiné à faire reconnaître que les dits produits sont brevetés. En l'absence de ce signe, celui qui poursuivra le contrefacteur devra établir d'une manière spéciale l'existence du dol.

VIII. Chacune des Parties Contractantes édictera, pour autant que cela n'a pas encore eu lieu, des dispositions contre la vente et la mise en vente des produits qui, faussement et dans un but de tromperie, seraient marqués comme provenant d'une localité ou d'un district situés sur le territoire de l'autre Partie Contractante.

IX. La présente Convention sera ratifiée, et les ratifications seront échangées à Berlin aussitôt que faire se pourra.

Cette Convention entrera en vigueur deux semaines après la date de l'échange des ratifications, et demeurera en vigueur jusqu'à l'expiration de six mois à partir du jour où la dénonciation en aura été faite par l'une des Parties Contractantes.

* See Final Protocol, page 366.

† See Additional Protocol of June 16, 1893, page 367.

En foi de quoi les Plénipotentiaires respectifs ont signé la présente Convention et y ont apposé leurs cachets.

Fait à Berlin, le 13 Avril, 1892.

(L.S.) ROTH.

(L.S.) BARON DE MARSCHALL.

PROTOCOLE DE CLÔTURE.

AU moment de procéder à la signature de la Convention conclue en date de ce jour entre la Suisse et l'Empire d'Allemagne concernant la protection réciproque des brevets, dessins, modèles, et marques, les Plénipotentiaires respectifs ont consigné dans le présent Protocole les déclarations suivantes :—

I.—*Au sujet de l'Article I.*

En ce qui concerne les raisons de commerce, l'assimilation des ressortissants respectifs des deux États aura pour effet que les raisons existantes sur le territoire de l'une des Parties Contractantes n'auront pas besoin d'être déposées et enregistrées comme marques sur le territoire de l'autre Partie, pour y jouir de la protection contre l'emploi abusif qui pourrait être fait comme marques de marchandises.

II.—*Au sujet de l'Article III.*

Les ressortissants de l'une des Parties Contractantes qui auront déclaré, dans un tiers État, une invention, un dessin ou modèle, une marque de fabrique ou de commerce, ne pourront pas se baser sur cette déclaration pour revendiquer, sur le territoire de l'autre Partie, des droits résultant de la présente Convention.

III.—*Au sujet de l'Article IV.*

Dans l'application de l'Article IV, alinéa 1, une invention pourra, avant la délivrance du brevet accordé ensuite de la première déclaration, être déclarée sur le territoire de l'autre Partie avec les effets prévus par l'Article III, à condition que le susdit brevet soit délivré ultérieurement.

IV.—*Au sujet de l'Article V.*

Les dispositions de l'Article V n'excluent pas les conséquences préjudiciables qui, d'après les lois des Parties Contractantes, résultent du refus d'accorder des licences.

V.—*Au sujet de l'Article VI.*

Les dispositions de l'Article VI, alinéa 1, n'ont pas pour but d'assurer à la marque enregistrée sur le territoire de l'une des Parties Contractantes un droit à l'enregistrement sur le territoire de l'autre Partie, pour le cas où, dans ce dernier, on trouverait que le contenu de la marque est contraire aux bonnes mœurs ou à l'ordre public, ou qu'il contredit aux faits réels de manière à induire le public en erreur. Dans chacun des cas prévus ci-dessus, l'enregistrement pourra être refusé.

Le présent Protocole fait partie intégrante de la Convention à laquelle il se rapporte, et devra être considéré comme approuvé et ratifié par les Parties Contractantes, sans qu'il y ait lieu de procéder à une ratification spéciale, par le seul fait de l'échange des ratifications concernant la dite Convention. Il a été signé, en double exemplaire, à Berlin, le 13 Avril, 1892.

(L.S.) ROTH.

(L.S.) BARON DE MARSCHALL.

PROTOCOLE Additionnel à la Convention conclue le 13 Avril, 1892, entre la Suisse et l'Allemagne, concernant la Protection réciproque des Brevets, Dessins, Modèles, et Marques.—Signé à Berlin, le 16 Juin, 1893.*

EN complément de la Convention conclue le 13 Avril, 1892, entre la Suisse et l'Empire Allemand, concernant la protection réciproque des brevets, dessins, modèles, et marques, les Soussignés, dûment autorisés à cet effet, sont convenus de ce qui suit :—

Les dispositions de l'Article V de la Convention ne sont pas applicables aux inventions que les lois de l'un des États Contractants excluent de la protection légale.

Le présent Protocole Additionnel forme une partie intégrante de la Convention à laquelle il se rapporte, et est à considérer comme approuvé et confirmé par les États Contractants, sans ratification spéciale, par le seul fait de l'échange des ratifications de la dite Convention.

Ce Protocole a été signé, en double expédition, à Berlin, le 16 Juin, 1893.

(L.S.) ROTH.

(L.S.) BARON DE MARSCHALL.

CONVENTION de Commerce entre l'Autriche-Hongrie et la Roumanie.—Signée à Bucarest, le $\frac{9}{27}$ Décembre, 1893.

[Ratifications échangées à Bucarest, le $\frac{2}{14}$ Juin, 1894.]

SA Majesté l'Empereur d'Autriche, Roi de Bohême, &c., et Roi Apostolique de Hongrie, et Sa Majesté le Roi de Roumanie, animés d'un égal désir de favoriser le développement des relations commerciales entre leurs États, ont résolu de conclure, à cet effet, une Convention, et ont nommé pour leurs Plénipotentiaires :

Sa Majesté l'Empereur d'Autriche, Roi de Bohême, &c., et Roi Apostolique de Hongrie, le Sieur Agénor Comte Goluchowski, son Chambellan, Chevalier de première classe de l'Ordre Impérial de la Couronne de Fer, Commandeur avec plaque de l'Ordre Impérial de François Joseph, &c., son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté le Roi de Roumanie ;

Sa Majesté le Roi de Roumanie, le Sieur Alexandre N. Lahovari, Grand-Croix de son Ordre de la Couronne de Roumanie, &c., son Ministre Secrétaire d'État au Département des Affaires Étrangères ;

Lesquels, après s'être communiqué leurs pleins pouvoirs respectifs trouvés en bonne et due forme, sont convenus de ce qui suit :—

ART. I. Les ressortissants, les bâtimens, et les marchandises, produits du sol et de l'industrie de chacune des Parties Contractantes, jouiront, dans les territoires de l'autre, des privilèges, immunités, ou avantages quelconques accordés à la nation la plus favorisée.

Il est entendu toutefois que la stipulation qui précède ne déroge en rien aux Lois, Ordonnances, et Règlements spéciaux en matière de commerce, d'industrie, de police, et de sûreté générale en vigueur dans les territoires des Parties Contractantes et applicables à tous les étrangers en général.

II.* Tous les objets, produits du sol ou de l'industrie de la Monarchie Austro-Hongroise, qui seront importés en Roumanie, et tous les objets, produits du sol ou de l'industrie de la Roumanie, qui seront importés dans la Monarchie Austro-Hongroise, destinés soit à la consommation, soit à la mise en entrepôt, soit à la réexportation, soit au transit, seront soumis, pendant la durée de la présente Convention, au traitement accordé à la nation la plus favorisée, et, en particulier, ne seront passibles de droits ni plus élevés ni autres que ceux qui frappent les produits ou les marchandises de la nation la plus favorisée.

A l'exportation pour la Monarchie Austro-Hongroise il ne sera

* See Final Protocol, page 374.

pas perçu en Roumanie, et à l'exportation pour la Roumanie il ne sera pas perçu dans la Monarchie Austro-Hongroise, des droits de sortie autres ni plus élevés qu'à l'exportation des mêmes objets pour le pays le plus favorisé à cet égard.

Chacune des Parties Contractantes s'engage donc à faire profiter l'autre, immédiatement, de toute faveur, de tous privilèges ou abaissements de droits qu'elle a déjà accordés ou pourrait accorder par la suite, sous les rapports mentionnés, à une tierce Puissance.

Les marchandises de toute nature provenant des territoires de l'une des Parties Contractantes ou y allant seront exemptes, dans les territoires de l'autre, de tout droit de transit. Le traitement de la nation la plus favorisée est réciproquement garanti à chacune des Parties Contractantes pour tout ce qui concerne le transit.

III. Les Parties Contractantes s'engagent à n'entraver nullement le commerce réciproque de leurs pays par des prohibitions à l'importation, à l'exportation, ou au transit qui ne soient appliquées en même temps à toutes les autres nations, ou du moins à toutes celles qui se trouveraient dans les mêmes circonstances.

Toutefois, dans des circonstances exceptionnelles, l'importation, l'exportation, et le transit des provisions de guerre pourront être défendus sans égard à la disposition précédente.

IV. Les négociants, fabricants, et autres industriels qui prouvent, par l'exhibition d'une carte de légitimation industrielle délivrée par les autorités de leur pays que, dans l'État où ils ont leur domicile, ils sont autorisés à exercer leur commerce ou industrie et qu'ils acquittent les taxes et impôts légaux, auront le droit, personnellement ou par des voyageurs à leur service, de faire des achats dans les territoires de l'autre Partie Contractante, chez les négociants ou dans les locaux de vente publics, ou chez les personnes qui produisent ces marchandises. Ils pourront aussi prendre des commandes, même sur échantillons, chez les négociants ou autres personnes dans l'exploitation industrielle desquelles les marchandises du genre offert trouvent leur emploi. Ni dans un cas ni dans l'autre il ne seront astreints à acquitter pour cela une taxe spéciale.

Les industriels (voyageurs de commerce), munis d'une carte de légitimation industrielle, ont le droit d'avoir avec eux des échantillons, mais non des marchandises.

Les cartes de légitimation industrielle devront être délivrées conformément au modèle ci-annexé.

Les Parties Contractantes se feront réciproquement connaître quelles autorités sont compétentes pour délivrer les cartes de légitimation industrielle, et quelles prescriptions doivent être observées par les titulaires de ces cartes pour l'exercice de leur profession.

Les dispositions ci-dessus ne sont pas applicables aux industries

ambulantes, non plus qu'au colportage et à la recherche de commandes chez des personnes n'exerçant ni commerce ni industrie.

En ce qui concerne les formalités quelconques auxquelles les voyageurs de commerce sont ou seront soumis dans les territoires des Parties Contractantes, les Autrichiens et les Hongrois en Roumanie et les Roumains dans la Monarchie Austro-Hongroise jouiront du traitement de la nation la plus favorisée.

V. Les objets passibles d'un droit d'entrée, qui servent d'échantillons et qui sont importés dans la Monarchie Austro-Hongroise par des fabricants, des marchands, ou des voyageurs de commerce Roumains, et en Roumanie par des fabricants, des marchands, ou des voyageurs de commerce Autrichiens ou Hongrois, seront, de part et d'autre, admis en franchise temporaire, moyennant les formalités de douane nécessaires pour en assurer la réexportation ou la réintégration en entrepôt. Ces formalités s'accompliront selon les lois ou règlements qui sont ou seront édictés dans les pays respectifs.

VI. Les ressortissants de chacune des Parties Contractantes seront exempts, dans les territoires de l'autre, de tout service ou impôt militaire et de toutes réquisitions extraordinaires qui seraient établies par suite de circonstances exceptionnelles.

Sont toutefois exceptées les charges qui sont attachées à la possession d'un bien-fonds, ainsi que les prestations et réquisitions militaires auxquelles tous les nationaux peuvent être appelés à se soumettre comme propriétaires, fermiers, ou locataires d'immeubles.

VII. La présente Convention s'étend aussi aux pays ou territoires unis, actuellement ou à l'avenir, par une Union Douanière à l'une des Parties Contractantes.

VIII. Les Parties Contractantes se réservent respectivement la faculté de dénoncer à toute époque la présente Convention, moyennant un avertissement de douze mois à l'avance.

IX. La présente Convention sera ratifiée, et les ratifications en seront échangées à Bucarest le plus tôt possible.

Elle entrera en vigueur à partir du jour de l'échange des ratifications.

En foi de quoi les Plénipotentiaires l'ont signée et l'ont revêtue de leurs cachets respectifs.

Fait en double expédition à Bucarest, le $\frac{9}{21}$ Décembre, 1893.

(L.S.) GOLUCHOWSKI.

(L.S.) AL. LAHOVARI.

Annexe.

(Modèle.)

Carte de Légitimation pour Voyageurs de Commerce.

Pour l'année 18 .

No. de la Carte: .

(Armoiries.)

Valable dans la Monarchie Austro-Hongroise et en Roumanie.

Porteur.

(Prénom et nom de famille.)

Fait à

, le [jour, mois, année].

(Sceau.)

(Autorité compétente.)

(Signature.)

Il est certifié que le porteur de la présente carte

{ possède un [désignation de la fabrique ou du commerce]
 à sous la raison
 { est employé, comme voyageur de commerce dans la maison à ,
 qui y possède un [désignation de la fabrique
 ou du commerce].

Le porteur de la présente carte desirant rechercher des commandes et

faire des achats pour le compte de sa maison, ainsi que $\frac{\text{de la maison suivante}}{\text{des maisons suivantes}}$
 [désignation de la fabrique ou du commerce] à , il est certifié, en

outre, que $\frac{\text{la dite maison est tenue}}{\text{les dites maisons sont tenues}}$ d'acquitter dans ce pays-ci les impôts

légaux pour l'exercice de $\frac{\text{son}}{\text{leur}}$ commerce (industrie).

Signalement du Porteur.

Signes particuliers : _____

Age _____

Taille : _____

Cheveux : _____

(Signature.)

Avis.

Le porteur de la présente carte ne pourra rechercher des commandes ou
 faire des achats autrement qu'en voyageant et pour le compte $\frac{\text{de la maison}}{\text{des maisons}}$
 $\frac{\text{susmentionnée.}}{\text{susmentionnées.}}$ Il pourra avoir avec lui des échantillons, mais point de

marchandises. Il se conformera, d'ailleurs, aux dispositions en vigueur dans chaque État.

Nota.—Là où le modèle ci-dessus contient un double texte, le formulaire à employer pour l'expédition des cartes présentera l'espace nécessaire pour y insérer l'un ou l'autre des textes, suivant les circonstances du cas particulier.

(L.S.) GOLUCHOWSKI.

(L.S.) AL. LAHOVARI.

ARTICLE ADDITIONNEL.—(Trafic des Districts Limitrophes.)

POUR donner au trafic des districts limitrophes les facilités exigées par les besoins courants des habitants, les Hautes Parties Contractantes sont convenues de l'Article Additionnel qui suit :—

1. Resteront libres de tout droit de douane et de timbre relatif aux opérations douanières à l'importation et à l'exportation, par la frontière commune :

(a.) Toute quantité de marchandises pour laquelle la somme totale des droits à prélever n'atteint pas le chiffre de 2 kreuzer ou de 5 centimes ;

(b.) L'herbe pour la nourriture du bétail, le foin, la paille, la fane, la mousse pour emballage et calfatage ; les fourrages, roseaux ordinaires, les plantes vivantes en tant qu'elles sont admises à la libre circulation par les règlements internationaux en vigueur ; les céréales en gerbes ou en épis, les plantes légumineuses, le chanvre, et le lin non taillés ;

(c.) Les ruches avec abeilles vivantes ;

(d.) Le sang animal ;

(e.) Le lait, frais et caillé (Topfen) ;

(f.) Les cendres végétales et de houilles, lessivées, les vinasses, les lavures, la drêche, le marc, les balayures, les tessons d'objets en pierre ou en argile, les lavures d'or et d'argent, le limon ;

(g.) Pour les besoins courants de chaque famille domiciliée près de la frontière et sous réserve des contrôles destinés à prévenir des abus :

Le pain et la farine, jusqu'à concurrence de 10 kilog. inclusivement ;

Les pommes de terre jusqu'à concurrence de 50 kilog. inclusivement ;

Le son jusqu'à concurrence de 50 kilog. inclusivement ;

Les œufs de toute sorte jusqu'à concurrence de 60 pièces ;

Le fromage, jusqu'à concurrence de 2 kilog. inclusivement ;

Le beurre frais, jusqu'à concurrence de 2 kilog. inclusivement.

2. Seront également exempts des droits d'importation et d'exportation, et pourront passer la frontière même en dehors des routes

douanières : les bêtes de labour, les instruments agricoles, le mobilier et les effets que les paysans domiciliés aux extrêmes frontières importeront ou exporteront par la ligne douanière pour leurs travaux agricoles, ou par suite de changement de domicile.

3. Les produits du sol provenant de parties de propriétés qui se trouveraient séparées par la frontière des fermes ou maisons d'habitation pourront être transportés dans ces fermes ou maisons d'habitation en franchise de tout droit d'entrée ou de sortie.

4. Toutefois, les faveurs accordées aux Nos. 1, 2, et 3 sont limitées aux habitants et aux produits d'une zone, le long de la frontière, qui ne s'étend pas au delà de 10 kilom. de la frontière.

5. Sera admis en franchise temporaire des droits d'entrée et de sortie, conformément aux Ordonnances Douanières, et avec l'obligation de le faire retourner : le bétail conduit d'un territoire à l'autre au pacage ou à l'hivernage. Pourront de même être reconduits en franchise douanière les produits du bétail conduit au pâturage ou à l'hivernage, tels que : le lait, le beurre, le fromage, la laine, les animaux mis bas dans l'intervalle, mais toujours en quantité proportionnée au nombre du bétail et à la durée effective du pâturage. La franchise des droits de douane s'applique également aux effets et au mobilier des paysans ou pasteurs qui accompagnent les bestiaux.

Il est entendu que pour les bêtes qui ne retournent pas, excepté celles qui seraient mortes pendant le pacage, on paiera, au retour des troupeaux, les droits d'importation respectifs.

6. Les stipulations des Nos. 2, 3, et 5 ne dérogent pas au droit de chacune des Parties Contractantes de prendre les mesures qu'elle juge nécessaires pour des raisons de police vétérinaire et pour exercer le contrôle douanier.

7. Les Parties Contractantes s'entendront sur les mesures à observer afin de pouvoir accorder, dans des cas particuliers, pour certaines localités où on le jugera nécessaire, le libre passage, en dehors des routes douanières, des objets affranchis de droit dans la Monarchie Austro-Hongroise et en Roumanie, tant à l'entrée qu'à la sortie.

8. Sont exempts de droits de douane à l'entrée et à la sortie dans la circulation par les frontières communes :

(a.) Les effets de voyageurs, bateliers, charretiers, et ouvriers, tels que : linge, vêtements, ustensiles de voyage, outils et instruments, destinés à leur propre usage et dans une quantité correspondants aux circonstances ;

(b.) Les voitures servant effectivement au transport des personnes et des marchandises, les charrettes, les paniers, et appareils similaires pour le transport, tous ces objets déjà employés, usagés, non destinés à la vente et servant pour le transport ou l'emballage des effets ou marchandises ; les bêtes de somme et de trait, les

embarcations avec inventaire régulier. Pour assurer la réexportation de voitures et autres véhicules neufs, des bêtes de somme et de trait, le dépôt d'une caution pourra être exigé conformément aux lois des pays respectifs ;

(c.) Les provisions des navires, tant pour le navire que pour le personnel effectif de l'équipage et pour les voyageurs se trouvant à bord, le tout sous contrôle douanier. Il est entendu que les articles qui forment l'objet d'un monopole d'État ne seront admis que dans les conditions prévues par les lois et sous contrôle des organes compétents.

Le présent Article Additionnel aura la même force, valeur, et durée que la Convention de Commerce en date de ce jour.

Fait en double expédition, à Bucarest, le $\frac{9}{21}$ Décembre, 1893.

(L.S.) GOLUCHOWSKI.

(L.S.) AL. LAHOVARI.

PROTOCOLE FINAL.

AU moment de procéder à la signature de la Convention de Commerce conclue à la date de ce jour, entre la Monarchie Austro-Hongroise et la Roumanie, les Plénipotentiaires soussignés ont fait les déclarations suivantes qui formeront partie intégrante de la Convention même :—

ART. I. Les dispositions de l'Article II de la présente Convention de Commerce ne dérogent point :

(a.) Aux faveurs qui sont accordées à d'autres États limitrophes pour faciliter le commerce de frontière ;

(b.) Aux obligations imposées à l'une des Parties Contractantes par des engagements d'une Union Douanière, contractée déjà, ou qui pourrait être contractée à l'avenir.

II. Sont autorisés dans la Monarchie Austro-Hongroise l'entrée et le transit des conserves alimentaires en boîtes hermétiquement fermées.

Les viandes fraîches et les viandes séchées, fumées ou salées, transportées en droiture dans des wagons mis sous plombs seront admises au transit à travers la Monarchie Austro-Hongroise par toutes les voies ferrées servant au trafic direct aux conditions suivantes :

(a.) Ces wagons devront être construits de manière à ce qu'il ne soit pas nécessaire d'ouvrir les compartiments qui contiennent la viande fraîche ou la viande séchée, fumée ou salée, pour renouveler, s'il y a lieu, la matière réfrigérante pendant le passage sur les territoires Autrichiens ou Hongrois.

(b.) Il devra être attesté que le pays destinataire permet l'importation.

(c.) Si, malgré cette autorisation, l'envoi était refusé à la frontière du pays destinataire, il sera traité selon les règlements de police sanitaire Autrichiens ou Hongrois en vigueur.

Dans le cas où la peste bovine se déclarerait en Roumanie, le transit des viandes fraîches et des viandes séchées, fumées ou salées pourra être limité ou défendu temporairement.

III.—I. La laine lavée dans les établissements industriels et emballée dans des sacs clos, les boyaux séchées ou salées, en caisses ou en barils clos, le suif fondu, le lait cuit ou caillé, la caillebotte, seront admis dans la Monarchie Austro-Hongroise à l'entrée et au transit sans être accompagnés de certificats de santé. Toutefois, l'entrée et le transit de ces articles pourront être restreints à certaines stations d'entrée spécialement désignées à cet effet et qui feront l'objet de notes à échanger entre les Parties Contractantes au moment de la signature de la Convention.

2. La laine non lavée dans des établissements industriels ou pas du tout lavée, pourvu qu'elle soit emballé dans des sacs clos, les os, les cornes, et les ongles, secs, ainsi que les peaux entièrement sèches, le poils de bêtes bovines et caprines et la soie de porc, seront admis dans la Monarchie Austro-Hongroise, à l'entrée et au transit par les stations d'entrée dont il est fait mention au point premier aux conditions suivantes :

(a.) Ces envois doivent être accompagnés d'un certificat qui sera produit au passage de la frontière, attestant que les objets sus-indiqués proviennent d'une contrée exempté de toute maladie contagieuse d'animaux dans un rayon de 30 kilom.

(b.) Si, lors de l'inspection à la frontière, des peaux, des os, et des cornes secs destinés à l'importation ou au transit, une seule pièce est trouvée en état frais, tout le transport doit être refoulé.

L'entrée et le transit des objets mentionnés sous 2 pourront être limités ou prohibés temporairement dans le cas où la peste bovine se déclarerait en Roumanie.

Le présent Protocole, qui sera considéré comme approuvé et sanctionné par les Parties Contractantes, sans autre ratification spéciale, par le seul fait de l'échange des ratifications de la Convention à laquelle il se rapporte, a été dressé, en double expédition, à Bucarest, le $\frac{9}{21}$ Décembre, 1893.

(L.S.) GOLUCHOWSKI.

(L.S.) AL. LAHOVARI.

CONVENTION entre la Belgique, la France, le Luxembourg, et les Pays-Bas, sur le Transport des Marchandises par Chemins de Fer.—Signée à Paris, le 9 Août, 1893.

[Ratifications échangées à Paris, le 31 Janvier, 1894.]

LES Gouvernements des Pays-Bas, de la Belgique, de la République Française, et du Luxembourg, usant de la faculté qui leur est accordée par le dernier alinéa du paragraphe 1 des Dispositions Réglementaires* pour l'Exécution de la Convention Internationale de Berne du 14 Octobre, 1890,† ont résolu de conclure une Convention spéciale relativement au transport de certaines marchandises et sont convenus de ce qui suit :—

ART. I. Sont admis au transport international les objets désignés ci-après, en provenance du territoire de l'un des États Contractants et à destination du territoire d'un autre Etat Contractant, par les lignes de chemins de fer soumises à l'application de la Convention de Berne, et aux conditions générales de cette Convention, pour tout ce qui n'est pas réglé par les conditions suivantes :—

I.—Transports Funèbres.

Le transport est effectué en grande vitesse.

Les frais de transport doivent obligatoirement être payés au départ.

Le transport ne peut s'effectuer que sous la garde d'une personne chargée de l'accompagner.

Le corps doit être placé dans un cercueil en métal, d'une épaisseur suffisante, ne laissant échapper ni liquide ni gaz. Ce cercueil doit être renfermé lui-même dans une bière de bois d'une solidité convenable.

Sur le parcours de chaque État les transports funèbres sont, du reste, soumis aux lois et règlements de police spéciaux existants ou à intervenir.

II.—Or et Argent en lingots, Platine, valeur monnayée ou en papier, Plaque d'Or ou d'Argent, Mercure, Papiers importants, Pierres précieuses, Perles fines, Bijoux et autres objets précieux, Broderies, et Dentelles.

Ces transports sont régis par les dispositions spéciales suivantes :—

* Vol. LXXXII, page 792.

† Vol. LXXXII, page 771.

Pour être admis au transport, les finances et articles déclarés à la valeur, tels que plaqué d'or ou d'argent, le mercure, les perles fines, les dentelles et broderies, &c., doivent être renfermés dans des sacs, sacoches, groups, caisses, boîtes, ou barils. Le transport à découvert est interdit d'une manière absolue.

Envois en Sacs, Sacoches, ou Groups.

Les sacs, sacoches, ou groups seront entièrement cousus en dedans et parfaitement conditionnés, c'est-à-dire, ni déchirés ni raccommodés.

L'issue de ces sacs, sacoches, ou groups sera fermée au moyen d'une corde ou ficelle intacte (par conséquent sans épissure ni allonge) dont le nœud sera recouvert d'un cachet à la cire et dont les bouts seront maintenus sur une fiche flottante par un cachet semblable. A défaut de cachet, les bouts de la corde ou ficelle pourront être, près du nœud, introduits dans un plomb.

Envois en Boîtes, Caisses, ou Barils.

Les boîtes, caisses, ou barils seront cloués ou cerclés avec solidité, et ne devront présenter aucune trace d'issue refermée, ni de fracture.

Les boîtes et caisses seront fortement liées au moyen d'une corde d'un seul morceau, placée en croix avec cachets à la cire ou plombs en nombre nécessaire pour assurer l'inviolabilité des colis. Une ficelle appliquée en croix aux deux extrémités de chaque baril y sera maintenue au moyen de cachets à la cire ou de plombs.

Les envois de dentelles et broderies qui n'auront pas lieu dans des sacoches ou dans des caisses ne seront reçus que si elles sont renfermées dans une enveloppe en toile cirée.

Billets de Banque, Titres de Rente, Actions, Obligations, Coupons d'Intérêt ou de Dividende.

Les envois de l'espèce devront être présentés au transport dans des sacs, boîtes, ou caisses, ou former des paquets revêtus d'enveloppes intactes en papier cirée ou goudronné ou en toile cirée.

Toutefois, les valeurs présentées sous enveloppe en tout autre papier pourront être acceptées si, sous le rapport de la solidité et du conditionnement, ces enveloppes ne laissent rien à désirer.

Tout paquet devra être clos au moyen de cachets à la cire en nombre suffisant pour en assurer l'inviolabilité (trois au moins).

Déclaration.

La lettre de voiture devra mentionner la valeur de l'article, et porter un cachet à la cire ou un plomb conforme à celui apposé sur l'article.

Les adresses devront être très lisiblement écrites; elles ne pourront être ni cousues, ni collées, ni clouées, afin qu'elles ne puissent dissimuler aucune trace d'issue refermée ou de fracture. Elles pourront être, soit inscrites sur les colis, soit attachées à ces colis au moyen d'une ficelle.

La déclaration de la valeur de l'article sera mentionnée, d'une manière très lisible, sur l'adresse.

Les initiales, légendes, armoiries, raisons sociales, ou noms d'établissements empreints sur les cachets à la cire ou sur les plombs apposés sur les sacs, sachoques, boîtes, groups, caisses, barils, paquets, devront être parfaitement lisibles et distincts.

Les empreintes à grilles et celles faites avec des pièces de monnaie sont formellement exclues.

Responsabilité.

En cas de perte totale du colis, l'indemnité due par le chemin de fer sera égale au montant de la valeur déclarée, augmentée des frais de transport et des frais de douane acquittés postérieurement à l'envoi.

En cas de manquant ou d'avarie, le chemin de fer payera le montant de la dépréciation calculée sur la même base.

La déclaration d'intérêt à la livraison n'est pas admise.

III.—*Objets d'Art tels que Tableaux, Statues, Bronzes d'Art, Antiquités.*

Il n'est admis ni déclaration de valeur, ni déclaration d'intérêt à la livraison.

En cas de perte ou d'avarie, l'indemnité due par le chemin de fer ne dépassera pas 1 fr. 50 c. par kilog. de poids brut; sauf le cas où, par des tarifs communs régulièrement approuvés par les autorités compétentes de chaque État, deux ou plusieurs administrations de chemins de fer accepteraient une responsabilité plus étendue.

IV.—*Matières dangereuses ou autres exclues du Transport International par le No. 4 du paragraphe 1 des Dispositions Réglementaires de la Convention de Berne, ou admises conditionnellement au Transport par l'Annexe 1 des dites Dispositions.*

1.—*Pétrole à l'état brut et rectifié (§ 20 de l'Annexe 1).**

Le pétrole à l'état brut et rectifié, s'il a un poids spécifique d'au moins 0·780 à une température de 17° 5 du thermomètre centigrade (Celsius), ou s'il n'émet pas de vapeurs inflammables à une température de moins de 21° du thermomètre centigrade (Celsius), et à une hauteur du baromètre de 760 millim. rapportée au niveau de la mer ;

Les huiles préparées avec le goudron de lignite, si elles ont au moins le poids spécifique ci-dessus indiqué (solaroel, photogène, &c.) ;

Les huiles préparées avec les goudrons de houille (benzole, toluole, xylol, cumol, &c.), ainsi que l'essence de mirbane (nitrobenzine), sont soumis aux dispositions suivantes :

1. Ces objets, à moins que des voitures spécialement construites à cet effet (wagons-citernes) ne soient employées, ne peuvent être transportés que—

(a.) Dans des tonneaux particulièrement bons et solides ; ou

(b.) Dans des vases en métal étanches et capables de résister ;
ou

(c.) Dans des vases en verre, *ou en grès ; en ce cas*, toutefois, en observant les prescriptions ci-dessous indiquées :

(aa.) Quand plusieurs vases sont réunis en un colis, ils doivent être emballés solidement dans de fortes caisses de bois, garnies de paille, de foin, de son, de sciure de bois, de terre fossile ou autres substances meubles ;

(bb.) Quand les vases sont emballés isolément, l'envoi est admis dans des paniers ou cuveaux solides munis de couvercles bien assujettis et d'anses, et garnis d'une quantité suffisante de matières d'emballage ; le couvercle, consistant en paille, jones, roseaux, ou matières analogues, doit être imprégné de lait d'argile ou de chaux ou d'une autre substance équivalente, mélangé avec du verre soluble.

Le poids brut du colis isolé ne doit pas dépasser 60 kilog. *pour les vases en terre, et 75 kilog. pour les vases en grès.*

2. Les vases qui se détérioreront pendant le transport seront

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immédiatement déchargés et vendus, avec le contenu qui y sera resté, au mieux des intérêts de l'expéditeur.

3. Le transport n'a lieu que sur des wagons découverts. Si les opérations du passage en douane exigeaient des wagons munis de bâches plombées, le transport ne serait pas accepté.

4. Les dispositions du No. 3 qui précèdent sont aussi applicables aux tonneaux et autres récipients dans lesquels ces matières ont été transportées. Ces récipients doivent toujours être déclarés comme tels.

5. Quand ces produits sont livrés au transport en quantités ne dépassant pas 10 kilog. par espèce, il est permis de les réunir en un colis, tant entre eux qu'avec d'autres objets admis au transport sans conditions.

Ces corps, renfermés dans des flacons de verre ou de fer-blanc, doivent être emballés solidement par couches au moyen de paille, foin, son, sciure de bois, terre fossile, ou autres substances meubles, et être désignés nominativement dans la lettre de voiture.

6. Il doit être indiqué sur la lettre de voiture que les objets désignés aux alinéas 1 et 2 du présent numéro ont un poids spécifique d'au moins 0·780, ou que le pétrole a la qualité indiquée dans le premier alinéa du présent numéro à l'égard du point d'inflammation.

Quand cette indication ne se trouve pas dans la lettre de voiture, on appliquera les conditions de transport concernant l'essence de pétrole.

2.—*Pétrole à l'état brut et rectifié* (§ 21 de l'Annexe 1).*

Le pétrole à l'état brut et rectifié, le pétrole-naphte et les produits de la distillation du pétrole et du pétrole-naphte, lorsque ces matières ont un poids spécifique de moins de 0·780 et de plus de 0·680 à une température de 17° 5 du thermomètre centigrade (benzine, ligroïne, et putzöl).

Les articles précités sont soumis aux dispositions suivantes :—

1. Ces objets, à moins que des voitures spécialement construites à cet effet (wagons-citernes) ne soient employées, ne peuvent être transportés que :

(a.) Dans des tonneaux particulièrement bons et solides ; ou

(b.) Dans des vases en métal étanches et capables de résister ;

ou

(c.) Dans des vases en verre ou *en grès* ; *en ce cas*, toutefois, en observant les prescriptions ci-dessous indiquées :

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(aa.) Quand plusieurs vases sont réunis en un colis, ils doivent être emballés solidement dans de fortes caisses de bois garnies de paille, de foin, de son, de sciure de bois, de terre fossile, ou autres substances meubles ;

(bb.) Quand les vases sont emballés isolément, l'envoi est admis dans des paniers ou cuveaux solides munis de couvercles bien assujettis et d'anses, et garnis d'une quantité suffisante de matières d'emballage ; le couvercle, consistant en paille, jones, roseaux, ou autres matières analogues, doit être imprégné de lait d'argile ou de chaux, ou d'une autre substance équivalente, mélangé avec du verre soluble. Le poids brut du colis ne doit pas dépasser 40 kilog.

2. Les vases qui se détérioreront pendant le transport seront immédiatement déchargés et vendus avec le contenu qui y sera resté, au mieux des intérêts de l'expéditeur.

3. Le transport n'a lieu que sur des wagons découverts. Si les opérations du passage en douane exigeaient des wagons munis de bâches plombées, le transport ne serait pas accepté

4. Les dispositions du chiffre 3 qui précèdent sont aussi applicables aux tonneaux et autres récipients dans lesquels ces matières ont été transportées. Ces récipients doivent toujours être déclarés comme tels.

5. Quand ces produits sont livrés au transport en quantités ne dépassant pas 10 kilog. par espèce, il est permis de *les* réunir en un colis, tant entre eux qu'avec d'autres objets admis au transport sans conditions.

Ces corps, renfermés dans des flacons de verre ou de fer blanc, doivent être emballés solidement par couches, au moyen de paille, foin, son, sciure de bois, terre fossile, ou autres substances meubles, et être désignés nominativement dans la lettre de voiture.

6. Au chargement et au déchargement, les paniers ou cuveaux contenant des ballons en verre ne doivent pas être transportés sur des camions, ni portés sur les épaules ou le dos, mais seulement par les anses.

7. Dans les wagons, les paniers ou cuveaux doivent être solidement assujettis et attachés aux parois du wagon. Les colis ne doivent pas être chargés l'un sur l'autre, mais l'un à côté de l'autre, et sans superposition.

8. Chaque colis isolé, ainsi que les cuveaux ou paniers arrimés, doivent porter sur une étiquette apparente, avec le mot "inflammable" imprimé sur fond rouge, les mots "à porter à la main." Les wagons devront être munis d'une étiquette rouge portant l'inscription, "A manœuvrer avec précaution."

9. Il doit être indiqué sur la lettre de voiture que les objets désignés dans le premier alinéa du présent numéro ont un poids spécifique de moins de 0.780 et de plus de 0.680 à une température

de 17° 5 (Celsius). Quand cette indication ne se trouve pas dans la lettre de voiture l'on appliquera les conditions de transport concernant l'essence de pétrole, &c.

3.—*Essence de Pétrole (§ 22 de l'Annexe 1),* (Gazoline, Néoline, &c.), et autres produits similaires facilement inflammables, Extraits de Naphte, de Pétrole, ou de Goudron de Lignite, et dont le poids spécifique n'est pas supérieur à 0·680 à la température de 17° 5 (centigrades).*

L'essence de pétrole (gazoline, néoline, &c.) et les autres produits facilement inflammables préparés avec du pétrole-naphte ou du goudron de lignite, lorsque ces matières ont un poids spécifique de 0·680 au moins à une température de 17° 5 (Celsius).

Les produits précités sont soumis aux conditions suivantes:—

1. Ces objets ne peuvent être transportés que :

(a.) Dans des vases en métal étanches et capables de résister ;
ou

(b.) Dans des vases en verre *ou en grès* ; *en ce cas*, toutefois, en observant les prescriptions ci-dessous indiquées :

(aa.) Quand plusieurs vases sont réunis en un colis, ils doivent être emballés solidement dans de fortes caisses de bois garnies de paille, de foin, de son, de sciure de bois, de terre fossile, ou autres substances meubles ;

(bb.) Quand les vases sont emballés isolément, l'envoi est admis dans des paniers ou cuveaux solides munis de couvercles bien assujettis et d'anses, et garnis d'une quantité suffisante de matières d'emballage ; le couvercle, consistant en paille, jones, roseaux, ou matières analogues, doit être imprégné de lait d'argile ou de chaux, ou d'une autre substance équivalente, mélangé avec du verre soluble. Le poids brut du colis isolé ne doit pas dépasser 40 kilog. ; ou

(c.) *Dans des wagons-citernes parfaitement étanches.*

2. Les vases qui se détérioreront pendant le transport seront immédiatement déchargés et vendus avec le contenu qui y sera resté, au mieux des intérêts de l'expéditeur.

3. Le transport n'a lieu que sur des wagons découverts. Si les opérations du passage en douane exigeaient des wagons munis de bâches plombées, le transport ne serait pas accepté.

4. Les dispositions du No. 3 qui précèdent sont aussi applicables aux tonneaux et autres récipients dans lesquels ces matières ont

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été transportées. Ces récipients doivent toujours être déclarés comme tels.

5. Quand ces produits sont livrés au transport en quantités ne dépassant pas 10 kilog. par espèce, il est permis de les réunir en un colis, tant entre eux qu'avec d'autres objets admis au transport sans conditions. Ces corps, renfermés dans des flacons de verre ou de fer-blanc, doivent être emballés solidement par couches au moyen de paille, foin, son, sciure de bois, terre fossile, ou autres substances meubles, et être désignés nominativement dans la lettre de voiture.

6. Au chargement et au déchargement, les paniers ou cuveaux contenant des ballons en verre ne doivent pas être transportés sur des camions, ni portés sur les épaules ou le dos, mais seulement par les anses.

7. Dans les wagons, les paniers et cuveaux doivent être solidement assujettis et attachés aux parois du wagon. Les colis ne doivent pas être chargés les uns sur les autres, mais l'un à côté de l'autre et sans superposition.

8. Chaque colis isolé, ainsi que les paniers ou cuveaux arrimés, doivent porter sur une étiquette apparente, avec le mot "inflammable," imprimé sur fond rouge, les mots "à porter à la main." Les wagons devront être munis d'une étiquette rouge portant l'inscription "A ranger avec précaution."

4.—*Levure liquide ou solide (voir § 27 de l'Annexe 1).**

En règle générale, la levure, liquide ou solide, ne sera reçue que dans des vases qui ne sont pas fermés hermétiquement.

Si, néanmoins, le chemin de fer consent à accepter la levure dans des récipients entièrement clos, il a le droit d'exiger de l'expéditeur l'engagement —

1. *De ne soulever aucune réclamation dans les cas où les envois de l'espèce ne seraient pas acceptés sur les lignes des chemins de fer correspondants ;*

2. *D'assumer la responsabilité pour tous dommages qui pourraient survenir à d'autres marchandises ou au matériel de transport par suite du mode d'emballage ; le cas échéant, le montant de ces dommages tel qu'il aura été fixé par le chemin de fer devra être reconnu par l'expéditeur sans contestation ;*

3. *De ne réclamer aucune indemnité du chef des avaries causées aux récipients ou de l'écoulement de leur contenu.*

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5.—*Noir de Fumée et Suie (voir § 28 de l'Annexe 1).*

Le noir de fumée et les autres espèces de suie en poudre doivent être renfermés dans des emballages offrant toute garantie contre le tamisage (sacs, tonneaux, caisses, &c.).

Si la suie est fraîchement calcinée, elle doit être renfermée dans des tonneaux ou autres récipients placés dans de solides paniers et tapissés intérieurement de papier, de toile, ou d'une autre matière analogue.

La lettre de voiture doit mentionner si la suie est fraîchement calcinée ou non. A défaut de cette indication, la suie est traitée comme si elle était fraîchement calcinée.

6.—*Cartouches métalliques et Cartouches en carton garnies intérieurement d'un revêtement métallique jusqu'à hauteur de la charge de poudre.*

Les cartouches métalliques et cartouches en carton garnies intérieurement d'un revêtement métallique jusqu'à hauteur de la charge de poudre sont admises au transport aux conditions suivantes :—

(A.) Pour les cartouches métalliques, les projectiles doivent être adaptés à la douille métallique de façon qu'ils ne puissent ni s'en détacher, ni permettre le tamisage de la poudre.

Pour les cartouches en carton, la charge entière de poudre contenue dans le revêtement métallique doit être fermée hermétiquement par une ou plusieurs bourres serrantes, de façon que la poudre ne puisse tamiser, même dans le cas où la cartouche serait brisée au-dessus du revêtement métallique.

(B.) Les cartouches devront être parfaitement assujettis dans des récipients en fer-blanc ou en carton solide. Ces récipients seront placés dans de très fortes caisses en bois dont les parois auront au moins 0. m. 018 d'épaisseur; les espaces vides devront, le cas échéant, être remplis de carton, de déchets de papier, ou d'étoupes, de manière à éviter un déplacement ou un mouvement des récipients durant le transport.

(C.) Le poids maximum brut d'une caisse ne pourra dépasser 100 kilog.

Les caisses pesant brut plus de 10 kilog. seront munies de poignées ou de liteaux pour en faciliter la manutention.

(D.) Les caisses ne pourront pas être fermées au moyen de clous en fer; elles devront porter une inscription indiquant d'une manière apparente la nature du contenu et être munies de plombs.

(E.) Les lettres de voiture devront être accompagnées d'une

attestation, signée par l'expéditeur, et reproduisant la marque des plombs apposés sur les caisses.

Cette attestation devra être conçue comme suit :—

“ Le Soussigné certifie que les conditions réglementaires prévues au No. 6 de la Convention spéciale passée le _____, 1893, entre la Belgique, la France, le Luxembourg, et les Pays-Bas, pour le transport des marchandises par chemin de fer, ont été observées en tous points pour l'envoi indiqué à la lettre de voiture ci-jointe et portant la marque _____ sur le plomb.”

7.—*Pièces d'artifice.*

Les pièces d'artifice sont admises au transport sur le territoire de chaque État où leur transport est autorisé, à charge de se conformer aux règlements intérieurs de chaque État, existants ou à intervenir.

8.—*Gaz liquéfiés (Acide Carbonique, Protoxyde d'Azote, Ammoniaque, et Chlore).*

1. Ces produits ne sont admis au transport que renfermés dans des récipients en fer ou en acier, qui doivent :

(a.) Avoir supporté à l'épreuve officielle (épreuve à renouveler au moins tous les trois ans pour l'acide carbonique, le protoxyde d'azote, et l'ammoniaque, et au moins tous les ans pour le chlore), une pression intérieure telle qu'elle est déterminée au paragraphe 2 ci-après sans avoir subi une déformation persistante ou des fissures ;

(b.) Porter une marque officielle, placée à un endroit bien apparent, qui indique le poids du récipient vide (y compris la soupape avec la chape ou le bouchon), la charge en kilogrammes qu'il peut recevoir en conformité des dispositions du paragraphe 2, ainsi que la date de la dernière épreuve ;

(c.) Être munis de chapes vissées aux récipients et destinées à protéger les soupapes ; ces chapes doivent être du même métal que les récipients.

Les récipients doivent être pourvus d'une garniture extérieure qui les empêche de rouler.

2. La pression intérieure à faire supporter par les récipients à chaque épreuve, et le maximum de charge admissible sont fixés comme suit :

(a.) Pour l'acide carbonique et le protoxyde d'azote à 250 atmosphères et 1 kilog. de liquide par 1.34 litre de capacité du récipient. Par exemple, un récipient de la capacité de 13.40 litres d'eau ne peut contenir plus de 10 kilog. d'acide carbonique ou de protoxyde d'azote liquides ;

(b.) Pour l'ammoniaque, à 100 atmosphères et 1 kilog. de liquide par 1.86 litre de capacité du récipient ;

(c.) Pour le chlore à 50 atmosphères et 1 kilog. de liquide par 0.9 litre de capacité.

3. Les récipients contenant des gaz liquéfiés ne peuvent être jetés, ni être exposés aux rayons du soleil ou à la chaleur du feu.

4. Le transport de ces articles ne peut avoir lieu que dans des wagons fermés ou bien dans des wagons-réservoirs spécialement aménagés à cet effet et dont le récipient doit être revêtu, le cas échéant, d'une caisse en bois.

9.—*Chlorure de Méthyle.*

Cet article ne peut être transporté que dans des récipients en tôle de fer ou d'acier parfaitement étanches et hermétiquement fermés, timbrés par l'autorité compétente à 12 atmosphères et chargés sur wagons découverts.

Pendant les mois d'Avril à Octobre inclus, les envois doivent être recouverts de bâches fournies par l'expéditeur.

10.—*Préparations formées d'un mélange d'Huile de Térébenthine ou d'Alcool avec de la Résine, telles que les Vernis à l'Alcool et les Siccatifs.*

1. Lorsque ces préparations sont expédiées en touries, bouteilles, ou cruchons, les récipients doivent être fermés hermétiquement et être bien emballés dans des caisses ou des paniers munis de solides poignées.

Si les récipients sont en métal, en bois, ou en caoutchouc, ils doivent être parfaitement étanches et bien fermés.

2. Les préparations composées d'huiles, de térébenthine et de résine qui répandent une mauvaise odeur ne peuvent être transportées que sur des wagons découverts.

3. Quand ces préparations sont livrées au transport en quantité ne dépassant pas 10 kilog. par espèce, il est permis de les réunir en un colis, tant entre elles qu'avec d'autres objets admis au transport sans condition. Ces substances, renfermées dans les flacons de verre ou de fer-blanc, doivent être emballées solidement par couches au moyen de paille, foin, son, sciure de bois, terre fossile, ou autres substances meubles, et être désignées nominativement dans la lettre de voiture.

11.—*Papier graissé ou huilé et Fuseaux faits de ce papier.*

Ces articles ne peuvent être expédiés qu'en wagons fermés ou en wagons découverts et bâchés.

12.—*Fumier et matières fécales.*

Sont admis au transport par wagons complets et aux conditions suivantes :—

1. Le fumier sec est expédié en vrac, dans des wagons découverts, bâchés au moyen d'agrès à fournir par l'expéditeur.

2. Les matières fécales, y compris celles provenant des fosses d'aisances, ne peuvent être expédiées que dans des wagons-citernes parfaitement étanches ou dans des récipients très solides, hermétiquement fermés, bien étanches, et chargés sur des wagons découverts.

Dans tous les cas, les mesures nécessaires doivent être prises pour éviter, en cours de transport et lors du chargement et du déchargement, l'échappement des matières et des liquides, ainsi que le dégagement d'odeurs méphitiques.

3. Le chemin de fer est en droit d'exiger le paiement du prix de transport au moment de la remise à l'expédition.

4. Les frais de désinfection sont à la charge de l'expéditeur ou du destinataire.

Ces transports restent d'ailleurs soumis aux règlements en vigueur sur le territoire de chacun des États Contractants.

Le guano et les engrais artificiels sont admis au transport sans aucune condition spéciale.

13.—*Caillettes de Veau fraîches.*

Sont admises au transport dans des récipients étanches et aux conditions ci-après :—

1. Les caillettes doivent être débarrassées de tout restant d'aliment et être salées, de telle sorte qu'il soit employé 15 à 20 grammes de sel de cuisine par caillette.

2. Une couche de sel d'environ 1 centim. d'épaisseur doit être répandue, en outre, au fond des récipients servant d'emballage, ainsi que sur la couche supérieure des caillettes.

3. La lettre de voiture doit contenir une déclaration de l'expéditeur spécifiant que les paragraphes 1 et 2 ont été observés.

4. Le chemin de fer peut exiger que le prix de transport soit payé au départ.

5. Les frais de désinfection éventuelle du wagon tombent à la charge de l'expéditeur ou du destinataire.

II. L'admission au transport, sous certaines conditions, de marchandises exclues par le No. 4 du paragraphe 1 des Dispositions Réglementaires de la Convention de Berne, ou la concession de conditions moins rigoureuses que celles stipulées pour les marchan-

disées admises conditionnellement par l'Annexe 1 des dites Dispositions Réglementaires ou par la présente Convention, pourront faire l'objet de Tarifs communs entre deux ou plusieurs Compagnies ou Administrations de chemins de fer.

Ces Tarifs communs seront élaborés par voie d'entente directe entre les Compagnies ou Administrations à ce dûment autorisées.

Les dits Tarifs seront soumis à l'approbation des autorités auxquelles sont confiées, dans chaque État, l'homologation ou la fixation des Tarifs et la surveillance des chemins de fer. Ils ne pourront être rendus exécutoires que lorsque l'approbation de tous les États sur le territoire desquels les dits Tarifs devront être appliqués aura été notifiée aux Compagnies ou Administrations intéressées.

III. Les Gouvernements Signataires de la Convention Internationale de Berne du 14 Octobre, 1890, et qui n'ont pas pris part à la présente Convention, sont admis à y adhérer sur leur demande.

Cette adhésion, qui emportera de plein droit l'acceptation de toutes les clauses, sera notifiée par la voie diplomatique au Gouvernement de la République Française, et par ce Gouvernement aux autres États Signataires.

IV. La présente Convention sera ratifiée, et les ratifications en seront échangées à Paris aussitôt que faire se pourra. Elle entrera en vigueur un mois après la date de l'échange des dites ratifications, et aura la même durée que la Convention Internationale signée à Berne le 14 Octobre, 1890, sur le transport des marchandises par chemin de fer.

En foi de quoi les Soussignés, savoir, l'Envoyé Extraordinaire et Ministre Plénipotentiaire de Sa Majesté la Reine des Pays-Bas près le Gouvernement de la République Française, l'Envoyé Extraordinaire et Ministre Plénipotentiaire de Sa Majesté le Roi des Belges près le Gouvernement de la République Française, le Ministre des Affaires Étrangères de la République Française, et le Chargé d'Affaires du Grand-Duché de Luxembourg à Paris, dûment autorisés à cet effet, ont dressé la présente Convention, et y ont apposé leurs cachets.

Fait à Paris, en quatre exemplaires, le 9 Août, 1893.

(L.S.) A. DE STUERS.

(L.S.) BEYENS.

(L.S.) JULES DEVELLE.

(L.S.) VANNERUS.

ARRANGEMENT entre la Belgique, la France, la Grèce, l'Italie, et la Suisse, tendant à apporter quelques modifications à la Convention du 6 Novembre, 1885, en ce qui concerne les Monnaies divisionnaires.—Signé à Paris, le 15 Novembre, 1893.*

[Ratifications déposées à Paris, le 24 Mars, 1894.]

LE Gouvernement Italien, pour obvier à l'émigration persistante des monnaies divisionnaires Italiennes, ayant demandé la revision partielle et temporaire de la Convention du 6 Novembre, 1885, et les Gouvernements Français, Belge, Grec, et Suisse ayant cru pouvoir accepter le principe de cette revision :

Le Président de la République Française, Sa Majesté le Roi des Belges, Sa Majesté le Roi des Hellènes, Sa Majesté le Roi d'Italie et le Conseil Fédéral Suisse ont résolu de conclure à cet effet un Arrangement spécial et ont nommé pour leurs Plénipotentiaires, savoir :

Le Président de la République Française, M. Roy, Président de Chambre à la Cour des Comptes ; M. Léon Brédif, Directeur du Mouvement Général des Fonds au Ministère des Finances ; M. Alfred de Foville, Directeur de l'Administration des Monnaies et Médailles ;

Sa Majesté le Roi des Belges, M. Montefiore Levi, Sénateur ; M. Alphonse Allard, Directeur Honoraire de la Fabrication des Monnaies ; M. A. Sainctelette, Commissaire des Monnaies ; M. le Baron Eugène Beyens, Conseiller de la Légation de Belgique à Paris ;

Sa Majesté le Roi des Hellènes, M. Constantin A. Criésis, Chargé d'Affaires de Grèce à Paris ;

Sa Majesté le Roi d'Italie, M. le Baron François de Renzis di Montanaro, Envoyé Extraordinaire et Ministre Plénipotentiaire de Sa Majesté le Roi d'Italie près Sa Majesté le Roi des Belges ; et M. le Commandeur Dominique Zeppa, Député au Parlement Italien ; et

Le Conseil Fédéral Suisse, M. Charles Edouard Lardy, Envoyé Extraordinaire et Ministre Plénipotentiaire de la Confédération Suisse près le Gouvernement de la République Française ; et M. Conrad Cramer Frey, Membre du Conseil National Suisse ;

Lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivants :—

ART. I. Les Gouvernements Français, Belge, Grec, et Suisse s'engagent à retirer de la circulation les pièces d'argent Italiennes

de 2 fr., 1 fr., 50 centimes, et 20 centimes et à les remettre au Gouvernement Italien, qui, de son côté, s'engage à les reprendre et à en rembourser la valeur dans les conditions fixées par les Articles suivants.

II. Quatre mois après l'échange des ratifications du présent Arrangement, les Caisses Publiques de la France, de la Belgique, de la Grèce et de la Suisse, par dérogation à l'Article VI de la Convention du 6 Novembre, 1885, cesseront de recevoir les monnaies divisionnaires d'argent Italiennes.

III. Le délai fixé par l'Article précédent sera augmenté d'un mois pour les monnaies divisionnaires Italiennes provenant de l'Algérie et des Colonies Françaises.

IV. Les monnaies divisionnaires Italiennes retirées de la circulation seront mises à la disposition du Gouvernement Italien par sommes d'au moins 500,000 fr., et portées par chacun des autres États à un compte courant productif d'intérêt. Cet intérêt sera de $2\frac{1}{2}$ pour cent à partir du jour où l'avis aura été adressé au Gouvernement Italien que les pièces sont immobilisées à son profit. Il sera porté à $3\frac{1}{2}$ pour cent à partir du dixième jour qui suivra l'envoi des espèces jusqu'à la date du paiement effectif ou de l'encaissement des couvertures fournies par l'Italie.

Le paiement, dans tous les cas, ne pourra être retardé au delà de trois mois à dater de l'expédition.

Chaque remboursement comprendra moitié au moins de monnaies d'or de 10 fr. et au-dessus frappées dans les conditions de la Convention du 6 Novembre, 1885. Le surplus sera payé en traites sur les pays créditeurs ; l'échéance de ces traites n'excédera pas le délai fixé par le paragraphe précédent.

V. La transmission des monnaies divisionnaires et celle des couvertures s'opérera directement entre chacun des Gouvernements de l'Union et le Gouvernement Italien. Chacun des envois demandés par le Gouvernement Italien pourra atteindre le chiffre de 10,000,000 fr. Le Gouvernement Français recevra seul les demandes d'envois faites par le Gouvernement Italien, et il sera en outre, de même que le Gouvernement Italien, informé par les autres Gouvernements de l'importance des retraits opérés par chacun d'eux. Il sera chargé, dès qu'une demande lui aura été adressée par l'Italie, d'en répartir le montant entre les autres États au prorata des immobilisations accusées par chacun d'eux.

Trois mois après l'expiration des délais prévus aux Articles II et III, le Gouvernement Français fera connaître au Gouvernement Italien le montant total des monnaies divisionnaires Italiennes qui auront été retirées de la circulation dans chacun des États de l'Union et dans les Colonies Françaises.

VI. Le Gouvernement Italien s'engage à prendre livraison et à

opérer le remboursement d'un minimum de 45,000,000 fr. de ses monnaies divisionnaires pendant les quatre premiers mois qui suivront l'échange des ratifications et d'un minimum de 35,000,000 fr. pendant chacune des périodes trimestrielles qui suivront, et ce, jusqu'à complet épuisement des quantités dont le montant aura été notifié aux termes de l'Article précédent.

Aussitôt après le remboursement d'un envoi fait en conformité de la demande du Gouvernement Italien, ce Gouvernement pourra réclamer une nouvelle livraison.

VII. Lorsque le Gouvernement Italien aura repris et remboursé aux autres États la totalité des monnaies divisionnaires dont le retrait lui aura été notifié, il cessera, par dérogation à l'Article VII de la Convention du 6 Novembre, 1885, d'être tenu de reprendre des Caisses Publiques des autres États les monnaies divisionnaires d'argent qu'il a émises.

VIII. Eu égard aux exigences spéciales de la circulation monétaire de la Suisse, le Gouvernement Fédéral pourra, dans les quatre premiers mois qui suivront l'échange des ratifications du présent Arrangement, remettre au Gouvernement Italien, dans les conditions fixées par l'Article IV, une somme de 15,000,000 fr. de monnaies divisionnaires imputable sur le minimum de 45,000,000 fr. prévu à l'Article VI.

Néanmoins le Gouvernement Fédéral Suisse participera aux répartitions effectuées en exécution de l'Article V, dans la proportion des retraits qu'il aurait opérés en sus des sommes remises en vertu du paragraphe précédent.

IX. Le Gouvernement Italien désignera celles de ses Trésoreries sur lesquelles les expéditions de monnaies divisionnaires seront faites. Tous les frais de transport et autres résultant du présent Arrangement seront à sa charge et portés au débit de son compte courant avec chacun des autres États. Le règlement de ce compte aura lieu le 1^{er} Juillet et le 1^{er} Janvier.

X. Par application des Articles IV et VII de la Convention du 6 Novembre, 1885, le Gouvernement Italien ne pourra refuser les monnaies dont le poids aura été réduit par le frais.

XI. Les contingents auxquels les Conventions antérieures ont limité pour les cinq États la frappe des monnaies divisionnaires d'argent sont expressément maintenus.

XII. Le Gouvernement Italien, pour obvier à l'émigration de ses monnaies divisionnaires d'argent, ayant cru pouvoir recourir, à titre de mesure exceptionnelle et temporaire, à l'émission de bons de Caisse d'une valeur inférieure à 5 fr., il est et demeure entendu qu'en égard à la stipulation de l'Article précédent, cette émission doit avoir pour contre-partie et pour gage l'immobilisation, dans les Caisses du Trésor Italien, d'une somme égale en monnaies division-

naïres Italiennes d'argent. Le montant des monnaies divisionnaires ainsi constituées en dépôt de garantie sera toujours égal au montant des bons de Caisse en cours.

XIII. Les prescriptions de l'Article XI de la Convention du 6 Novembre, 1885, sont applicables aux émissions de bons de Caisse et aux dépôts de monnaies divisionnaires destinés à servir de gage à ces émissions.

XIV. Lorsque les Caisses Publiques de la France, de la Belgique, de la Grèce, et de la Suisse n'auront plus à accepter les monnaies divisionnaires Italiennes, chacun de ces quatre États aura la faculté d'en prohiber l'importation.

XV. A partir de la promulgation du présent Arrangement, le Gouvernement Italien pourra prohiber la sortie de ses monnaies divisionnaires.

XVI. Les Articles VI et VII de la Convention du 6 Novembre, 1885, restent applicables aux monnaies divisionnaires d'argent émises par la France, la Belgique, la Grèce, et la Suisse.

Chacun de ces quatre États aura toutefois le droit d'obtenir, dans les conditions du présent Arrangement, le retrait et la remise de celles de ses monnaies divisionnaires d'argent qui se trouveraient en Italie.

XVII. Le Gouvernement Italien se réserve de demander ultérieurement que les dispositions des Articles VI et VII de la Convention du 6 Novembre, 1885, redeviennent applicables aux monnaies divisionnaires Italiennes. Mais il ne pourrait en être ainsi que du consentement unanime des quatre autres États.

XVIII. Au cas où, la Convention du 6 Novembre, 1885, ayant été dénoncée, il serait procédé à la liquidation de l'Union, l'Article XV du présent Arrangement resterait seul applicable, et l'obligation imposée à chaque État par l'Article VII de la Convention précitée, de reprendre pendant une année ses monnaies divisionnaires d'argent, serait remise en vigueur.

XIX. Le présent Arrangement sera ratifié; les ratifications en seront échangées à Paris, le plus tôt que faire se pourra, et, au plus tard, le 30 Janvier, 1894.

En foi de quoi les Plénipotentiaires ont signé le présent Arrangement, qu'ils ont revêtu de leurs cachets.

Fait à Paris en cinq exemplaires, le 15 Novembre, 1893.

Pour la France .. (L.S.) ROY.

(L.S.) LÉON BRÉDIE.

(L.S.) A. DE FOVILLE.

Pour la Belgique .. (L.S.) MONTEFIORE LEVI.

(L.S.) A. ALLARD.

(L.S.) A. SAINCTELETTE.

(L.S.) BARON EUG. BEYENS.

Pour la Grèce	..	(L.S.)	C. A. CRIÉSIS.
Pour l'Italie	..	(L.S.)	F. DE RENZIS.
		(L.S.)	DOMINICO ZEPPA.
Pour la Suisse	..	(L.S.)	LARDY.
		(L.S.)	C. CRAMER FREY.

*BRITISH NOTIFICATION respecting certain British Claims against Mexico on account of "Consumo Duty."—London, April 22, 1893.**

Foreign Office, April 22, 1893.

THE Earl of Rosebery, K.G., Her Majesty's Principal Secretary of State for Foreign Affairs, has received a despatch from Sir Spenser St. John, K.C.M.G., Her Majesty's Envoy Extraordinary and Minister Plenipotentiary at Mexico, dated the 8th March, 1893, stating that the Public Debt Department of the Mexican Government has consented to pay, wholly or partially, the following claims on account of extra "consumo duty" or tax on goods imported into the city of Mexico during the year 1893:—

To—					Dol.	c.
Diego P. Penny and Co.	..	..	..	..	11,617	00
Byrns and Co...	..	..	..	..	439	28
Turnbull and Co.	..	..	..	..	942	47
Campbell, Ryan, and Co.	..	..	..	..	7,171	00
Archibald Hope	..	..	..	..	1,716	00
Holdsworth and Co.	..	..	..	..	2,464	00
J. Black and Co.	..	..	..	..	9,125	00
Dickson, Gordon, and Co. (partially)			..	..	4,227	00
Watson, Labruere, and Co. (partially)			..	..	10,583	41
Jamieson, Ledward, and Co. (partially)			..	..	14,343	30
Schmidt, Higson, and Co. (partially)			..	..	2,845	00

It is, however, stated in Sir Spenser St. John's despatch that the English firms above mentioned have either ceased to exist or have apparently no representatives in Mexico.

Any persons, therefore, who may be interested in any of these claims should present or forward their applications, together with the necessary proofs and vouchers in respect thereof, for examination, either direct to Sir Spenser St. John, at the British Legation in Mexico, or to the Foreign Office in London, addressed to Her

* "London Gazette," April 25, 1893.

Majesty's Principal Secretary of State for Foreign Affairs, for transmission to Mexico

*CONVENTION between Portugal and the Netherlands, relative to Commerce (Trade in Fire-arms, &c.), Navigation, Boundaries, and mutual right of Pre-emption as regards their respective Possessions in the Timor and Solor Archipelago.—Signed at Lisbon, June 10, 1893.**

[Ratifications exchanged at Lisbon, January 31, 1894.]

SA Majesté la Reine des Pays-Bas et en son nom Sa Majesté la Reine-Régente du Royaume, et Sa Majesté le Roi de Portugal et des Algarves, reconnaissant la communauté d'intérêts qui existe entre leurs possessions dans l'Archipel de Timor et Solor, et voulant régler dans un esprit de bonne entente mutuelle les conditions les plus favorables au développement de la civilisation et du commerce dans leurs dites possessions, ont résolu de conclure une Convention spéciale et ont nommé à cet effet pour leurs Plénipotentiaires, savoir :

Sa Majesté la Reine des Pays-Bas et en son nom Sa Majesté la Reine-Régente du Royaume, le Sieur Jacob Dirk Carel Baron de Heeckeren de Kell, son Ministre-Résident près Sa Majesté Très-Fidèle ;

Sa Majesté le Roi de Portugal et des Algarves, le Sieur Ernesto Rodolpho Hintze Ribeiro, du Conseil de Sa Majesté Très-Fidèle et Conseiller d'État, Grand-Cordon de l'Ordre du Christ, &c., Président du Conseil et Ministre et Secrétaire d'État au Département des Affaires Étrangères ;

Lesquels, après s'être communiqué leurs pleins pouvoirs respectifs, trouvés en bonne et due forme, sont convenus des Articles suivants :—

ART. I. Afin de faciliter l'exercice de leurs droits de souveraineté, les Hautes Parties Contractantes estiment qu'il y a lieu d'établir d'une façon plus claire et plus exacte la démarcation de leurs possessions à l'Île de Timor et de faire disparaître les enclaves actuellement existantes.

II. Les Hautes Parties Contractantes nommeront à cet effet une Commission d'experts qui sera chargée de formuler une proposition

* See also Declaration signed July 1, 1893, page 396.

pouvant servir de base à la conclusion d'une Convention ultérieure, déterminant la nouvelle ligne de démarcation dans la dite île.

Cette Convention sera soumise à l'approbation de la Législature des deux pays.

III. Il sera accordé à l'Île de Timor aux bateaux pêcheurs appartenant aux sujets de chacune des Hautes Parties Contractantes, ainsi qu'à leurs équipages, la même protection de la part des autorités respectives que celle dont jouiront les sujets respectifs.

Le commerce, l'industrie, et la navigation des deux pays y jouiront du traitement de la nation étrangère la plus favorisée, sauf le traitement spécial accordé respectivement par les Hautes Parties Contractantes aux États indigènes.

IV. Les Hautes Parties Contractantes décident que l'importation et l'exportation de toutes armes à feu entières ou en pièces détachées, de leurs cartouches, des capsules, ou d'autres munitions, destinées à les approvisionner, sont interdites dans leurs possessions de l'Archipel de Timor et Solor.

Indépendamment des mesures prises directement par les Gouvernements pour l'armement de la force publique et l'organisation de leur défense, des exceptions pourront être admises à titre individuel pour leurs sujets Européens, offrant une garantie suffisante que l'arme et les munitions qui leur seraient délivrées ne seront pas cédées ou vendues à des tiers, et pour des voyageurs étrangers, munis d'une déclaration de leur Gouvernement constatant que l'arme et les munitions sont exclusivement destinées à leur défense personnelle.

V. Toutefois les autorités supérieures de la partie Néerlandaise et de la partie Portugaise de l'Île de Timor seront autorisées à fixer annuellement, d'un commun accord, le nombre et la qualité des armes à feu non perfectionnées et la quantité de munition qui pourront être introduites dans le courant de la même année, ainsi que les conditions dans lesquelles cette importation pourra être accordée.

Cette importation cependant ne pourra se faire que par l'intermédiaire de certaines personnes ou agents qui résident à l'île même, et qui auront obtenu à cet égard une autorisation spéciale de l'Administration supérieure respective.

En cas d'abus cette autorisation sera immédiatement retirée et ne pourra être renouvelée.

VI. Le Gouvernement Néerlandais, voulant donner une preuve de son désir de consolider ses rapports de bon voisinage, déclare renoncer à l'indemnité à laquelle il prétend avoir droit du chef de certains traitements que des pêcheurs Néerlandais-Indiens ont subi de 1889 à 1892 de la part des autorités du Timor-Portugais.

VII. Dans le cas où quelque difficulté surgirait par rapport à

leurs relations intercoloniales dans l'Archipel de Timor et Solor ou au sujet de l'interprétation de la présente Convention, les Hautes Parties Contractantes s'engagent à se soumettre à la décision d'une Commission d'Arbitres.

Cette Commission sera composée d'un nombre égal d'Arbitres choisis par les Hautes Parties Contractantes et d'un Arbitre désigné par ces Arbitres.

VIII. La présente Convention sera ratifiée, et les ratifications en seront échangées à Lisbonne.

En foi de quoi les Plénipotentiaires l'ont signé et y ont apposé leurs cachets.

Fait à Lisbonne, en double expédition, le 10 Juin, 1893.

(L.S.) CAREL VAN HEECKEREN.

(L.S.) ERNESTO RODOLPHO HINTZE RIBEIRO.

DÉCLARATION.—Signée à Lisbonne, le 1^{er} Juillet, 1893.

LES soussignés Plénipotentiaires des Gouvernements Signataires de la Convention du 10 Juin, 1893, sont convenus de la Déclaration suivante :—

Afin d'assurer le résultat de leur action commune qui tend surtout à encourager le commerce et l'industrie de leurs nationaux par des garanties de sécurité et de stabilité, les Hautes Parties Contractantes déclarent qu'elles se reconnaissent réciproquement, en cas de cession, soit en partie soit en totalité, de leurs territoires ou de leurs droits de souveraineté dans l'Archipel de Timor et Solor, le droit de préférence à des conditions similaires ou équivalentes à celles qui auront été offertes. Les cas de désaccord sur ces conditions tombent également sous l'application de l'Article VII de la Convention précitée.

La présente Déclaration, qui sera ratifiée en même temps que la Convention conclue à Lisbonne le 10 Juin, 1893, sera considérée comme faisant partie intégrante de cette Convention et aura la même force et valeur.

En foi de quoi les Plénipotentiaires respectifs ont signé la présente Déclaration et y ont apposé leurs cachets.

Fait à Lisbonne, en double expédition, le 1^{er} Juillet, 1893.

(L.S.) CAREL VAN HEECKEREN.

(L.S.) ERNESTO RODOLPHO HINTZE RIBEIRO.

*CONVENTION de Commerce entre la France et la Russie.—**Signée à Saint-Pétersbourg, le $\frac{5}{17}$ Juin, 1893.*[Ratifications échangées à Saint-Pétersbourg, le $\frac{19 \text{ Juin}}{1 \text{ Juillet}}$, 1893.]

LE Président de la République Française et Sa Majesté l'Empereur de Toutes les Russies, désirant favoriser le développement des relations commerciales entre les deux pays, ont décidé de conclure une Convention spéciale à cet effet, en ce qui concerne certains articles des Tarifs Douaniers respectifs, et ont nommé pour leurs Plénipotentiaires savoir :

Le Président de la République Française, Louis Gustave Lannes, Comte de Montebello, Ambassadeur Extraordinaire et Plénipotentiaire de la République Française près Sa Majesté l'Empereur de Toutes les Russies ; et

Sa Majesté l'Empereur de Toutes les Russies, M. Serge Witte, son Conseiller Privé et Ministre des Finances ; et M. Nicolas Chichkine, son Conseiller Privé et Adjoint du Ministre des Affaires Étrangères ;

Lesquels, après s'être communiqué leurs pleins pouvoirs respectifs, trouvés en bonne et due forme, sont convenus des Articles suivants :—

ART. I. Indépendamment des avantages assurés en France à tous les produits Russes par le Traité signé le 1^{er} Avril, 1874,* entre les deux pays, les huiles minérales Russes spécifiées ci-dessous, et importées directement de Russie, bénéficieront de l'application du Tarif Minimum, à savoir :

(A.) Huiles de pétrole, de schiste, et autres huiles minérales propres à l'éclairage :

1. Huiles brutes, 9 fr. les 100 kilog. ;
2. Huiles raffinées et essences, 10 fr. l'hectolitre.

(B.) Huiles lourdes et résidus de pétroles et d'autres huiles minérales, 9 fr. les 100 kilog.

II. Indépendamment des avantages assurés en Russie à tous les produits Français par le Traité signé le 1^{er} Avril, 1874, entre les deux pays, les produits Français énumérés ci-dessous, et munis de certificats d'origine, bénéficieront des réductions de droits suivantes (Tarif des Douanes Russe du 11 Juin, 1891) :

§ 13. Pâtés, condiments divers, tels que moutarde préparée, soya, pickles, câpres, olives vertes et noires, légumes, fruits et autres aliments de toute espèce à l'huile, au vinaigre ou autrement préparés (en conserves), importés en récipients de verre, de terre cuite, de fer-blanc, ou autres, hermétiquement fermés, hormis ceux

spécialement dénommés ; par poud brut, 5 roubles or : réduction, 15 pour cent.

Remarque.—Les câpres, olives vertes, olives noires, concombres, et autres légumes préparés au vinaigre, importés dans toute espèce de récipients, les extraits de viande, acquittent les droits d'après ce paragraphe.

§ 24, *alinéa* 1^{er}.—Bonbons, confitures, sirops de sucre avec mélanges améliorants ; sirops de fruits et de baies, pâte de fruit (pastila), gelée, poudres et pastilles de fruits avec sucre, fruits au rhum, en liqueurs, au cognac, en sirop, et en jus ; lait concentré et autres substances alimentaires au sucre, chocolat avec ou sans sucre, cacao broyé avec sucre : par poud brut, 9 r. 60 c. or : réduction, 15 pour cent.

§ 27. Arack, rhum, eau-de-vie de France (de raisins), cognac, eau-de-vie de prunes ("slivovitza"), kirsch, gin, whisky, alcool de grains et eau-de-vie de grains, sans mélanges améliorants :

1. Importés en futailles et barils, par poud brut, 12 roubles or : réduction, 10 pour cent. ;

2. Importés en bouteilles, ainsi que liqueurs et infusions spiritueuses avec ou sans sucre, importées en récipients de toute sorte, par bouteille ($\frac{1}{20}$ de védro), 1 rouble or : réduction, 15 pour cent.

§ 28. Vins de raisins et de baies :

2. Non mousseux, en bouteilles, par bouteille ($\frac{1}{20}$ de védro), 45 copecks or : réduction, 15 pour cent ;

3. Mousseux de toute espèce, la bouteille, 1 r. 40 c. or : réduction, 15 pour cent.

§ 32. Eaux minérales, naturelles ou artificielles, la cruche ou la bouteille, 4 copecks or : réduction, 10 pour cent.

§ 35. Fromage, par poud, 6 roubles or : réduction, 10 pour cent.

Remarque.—Les fromages importés dans des enveloppes de plomb ou de fer-blanc acquittent les droits conjointement avec le poids de ces enveloppes.

§ 37. Poisson :

2. Mariné, à l'huile au farci de toute espèce, caviar, par poud brut, 5 roubles or : réduction, 15 pour cent.

§ 55. Peaux préparées :

2. Maroquin, peau glacée, chevreau, chagrin, peau de tous genres, avec ornements pressés, peaux laquées, petites, par poud, 15 roubles or : réduction, 15 pour cent ;

4. Peaux laquées, grandes, par poud, 8 r. 50 c. or : réduction, 15 pour cent.

§ 57, *ex alinéa* 2.—Chaussures pour dames, en chevreau, achevées ou non achevées, par livre, 2 roubles or : réduction, 15 pour cent.

Ex alinéa 3.—Gants en peau de toute espèce, par livre, 3 roubles or : réduction, 15 pour cent.

§ 61, *ex alinéa* 3.—Cadres et baguettes, par poud, 6 roubles or : réduction, 25 pour cent.

§ 65, *ex alinéa* 4.—Ciments de toutes dénominations (de Portland, artificiel ou naturel, romain, mélangé de scories et autres), par poud, 10 copecks or : réduction, 10 pour cent.

§ 75. Ouvrages en faïence :

2. Avec dessins, bords, bordures d'une seule couleur ; ouvrages en faïence non coloriés en pâte : le poud, 1 r. 40 c. or : réduction, 10 pour cent.

§ 76, *ex alinéa* 1^{er}.—Majoliques de toute espèce, même avec moulures, par poud, 5 r. 30 c. or : réduction, 25 pour cent.

§ 112. Produits chimiques et pharmaceutiques non spécialement dénommés, par poud brut, 2 r. 40 c. or : réduction, 25 pour cent.

Remarque.—L'acide carbonique à l'état liquide et les autres esprits réduits à l'état de liquides, en bouteilles métalliques, acquittent les droits d'après le paragraphe 112 ; 80 pour cent du poids total sont taxés d'après la matière dont sont faites les bouteilles.

§ 113. Médicaments composés (préparés) dont l'importation est autorisée d'après des listes spéciales, par poud brut, 20 roubles or : réduction, 20 pour cent.

Remarque.—Ces listes sont dressées par le Conseil Médical près le Ministère de l'Intérieur, d'accord avec le Ministère des Finances.

§ 117, *alinéa* 1^{er}.—Huiles grasses (huile d'olive, de laurier, de coton, et autres semblables), hormis celles spécialement dénommées ; huile cuite siccatrice (olifa), par poud, 2 r. 20 c. or : réduction, 10 pour cent.

§ 118. Eaux aromatiques, sans addition d'alcool, telles que, eau de laurier-cerise, de menthe, de fleurs d'oranger, de rose, et autres semblables, par poud, 5 r. 30 c. or : réduction, 10 pour cent.

§ 119. Cosmétiques :

1. Eaux de senteur alcooliques (eau-de-Cologne et autres), vinaigre de toilette, fard blanc et rouge, compositions pour la teinture des cheveux, pastilles odorantes à brûler, cosmétiques de toute espèce non spécialement dénommés, conjointement avec le poids des flacons, vases, boîtes, ou autres enveloppes, par poud, 16 roubles or : réduction, 15 pour cent ;

2. Parfums, sauf les eaux de senteur dénommées à l'alinéa premier du présent paragraphe, ainsi que la pommade, par poud brut, 35 roubles or : réduction, 15 pour cent.

§ 147. Zinc :

1. En saumons et débris, par poud, 50 copecks or : réduction, 10 pour cent ;

2. En feuilles même planées et polies, par poud, 1 rouble or : réduction, 10 pour cent.

Remarque.—Les feuilles recouvertes de nickel ou d'autres métaux communs acquittent 30 pour cent en sus des droits fixés à l'alinéa 2 du présent paragraphe.

§ 149. Ouvrages en cuivre, alliages de cuivre, et autres métaux non précieux, et leurs alliages dénommés au paragraphe 143 :

2. Avec ornements en reliefs ou gravés (hormis les ornements pressés) ; garnis ou non garnis, recouverts ou non recouverts de patine, montés ou non montés, par poud, 16 roubles or : réduction, 10 pour cent.

§ 150. Fonte de fer ouvree :

1. Pièces en fonte sans retouches, par poud, 75 copecks or : réduction, 10 pour cent ;

3. Ouvrages en fonte retouchés, limés, polis, taillés, peints, bronzés, étamés, recouverts de vernis, d'émail (hormis la vaisselle), de zinc, ou d'autres métaux communs, même avec parties de bois, de cuivre, ou d'alliages de cuivre, par poud, 1 r. 70 c. or : réduction, 10 pour cent.

Remarque.—L'alinéa 3 du présent paragraphe s'applique à tous les ouvrages en fonte forgée, non retouchés, aussi bien qu'à ceux retouchés, s'ils pèsent plus de 5 livres la pièce ; les ouvrages en fonte forgée retouchés pesant 5 livres et moins par pièce acquittent les droits d'après l'alinéa 2 du paragraphe 153.

§ 153. Ouvrages en fer et en acier, hormis ceux spécialement dénommés, façonnés, tournés, polis, taillés, bronzés, ou ayant subi quelque autre façon, avec ou sans parties en bois, cuivre, ou alliages de cuivre, pesant par pièces :

1. Plus de 5 livres par poud, 1 r. 70 c. or : réduction, 10 pour cent ;

2. Cinq livres et moins, par poud, 2 r. 70 c. or : réduction, 10 pour cent.

§ 156. Ouvrages en fil d'archal :

1. En fil de fer et d'acier.

Subdivision (b).—Rubans de cardes et cardes de tout genre, par poud, 4 r. 40 c. or : réduction, 20 pour cent.

3. Clous en fil d'archal, clous de cordonnier, clous de tapissier dits "semences," clous à ferrer, clous en fonte forgée, rivets, goupilles et chevilles pour pianos, par poud, 2 r. 70 c. or : réduction, 10 pour cent.

§ 160. Faux et faucilles, hache-paille et serpes, ciseaux à tondre les moutons, bèches, pelles, rateaux, houes, et fourches, par poud, 1 r. 40 c. or : réduction, 15 pour cent.

§ 161. Outils pour arts, métiers, fabriques et usines, par poud, 1 r. 40 c. or : réduction, 15 pour cent.

§ 167. Machines, appareils et leurs modèles, complets ou non complets, montés ou non montés :

2. Gazomètres, compteurs à eau, moteurs à gaz, à air chaud, à pétrole, machines magneto, machines à coudre et à tricoter; locomobiles (hormis ceux dénommés à l'alinéa 5), tenders, pompes à incendie (hormis celles dénommées à l'alinéa 3); machines de toute espèce, non spécialement dénommées, en fonte, fer, acier avec ou sans parties en autres métaux, par poud, 1 r. 70 c. or: réduction, 10 pour cent.

4. Machines et appareils agricoles, non pourvus de moteurs à vapeur et non spécialement dénommés, ainsi que leurs modèles, par poud, 70 copecks or: réduction, 25 pour cent.

§ 169. Instruments et appareils de mathématiques, de dessin linéaire, de physique, de chimie, et de chirurgie (y compris les bandages), appareils et accessoires télégraphiques, téléphoniques, photographiques, appareils pour l'éclairage électrique, manomètres, indicateurs, anémomètres, hydromètres, compteurs, sphères géographiques, verres à lunettes, à lorgnettes, verres ardents, loupes, verres d'optique de toute espèce et prismes sans monture, par poud, 8 roubles or: réduction, 15 pour cent.

Remarque 1.—Ustensiles pour les travaux de laboratoire, ceux employés en médecine et dans les pharmacies, en argile, en grès, verre, porcelaine, &c., acquittent les droits d'entrée d'après les paragraphes correspondants du Tarif, selon la matière dont ils sont faits.

Remarque 2.—Acquittent de même les droits d'entrée, d'après les paragraphes correspondants du Tarif, les parties de rechange des éléments électriques, des batteries, et autres appareils importés séparément qui s'anéantissent par l'usage, et qu'il faut remplacer, telles que plaques de zinc, de cuivre, et autres pour éléments, charbons de cornue pour piles, pour lampes et lanternes.

§ 172. Instruments de musique :

2. Pianinos, par pièce, 80 roubles or: réduction, 20 pour cent;

4. Instruments de musique de tout genre non spécialement dénommés; accessoires d'instruments de musique importés séparément, tels que, archets, cordes en boyau ou en soie (les cordes métalliques sont sujettes aux droits du paragraphe 155), claviers, martelets (les chevilles pour pianos sont sujettes aux droits du paragraphe 156, alinéa 3), métronomes, diapasons, crans, &c., par livre, 20 copecks or: réduction, 20 pour cent.

Remarque.—Les instruments de musique acquittent les droits conjointement avec le poids des boîtes et des étuis qui leur sont propres.

§ 177.—6. Papier à écrire pour ouvrages de typographie, de lithographie, de reliure, et de confiserie avec ornements, tels que, dorure, argenture, bronzage, impressions, découpures en dentelles, dessins, appliques, bordures, armoiries, chiffres, images, &c.; papier [1892-93. LXXXV.]

à cigarettes, papier fin à envelopper, dit "de Chine"; papier colorié sur un côté ou sur les deux côtés (mais non colorié en pâte), ouvrages en papier, enveloppes, abat-jour, fleurs artificielles en papier et autres, par poud, 10 r. 60 c. or : réduction, 10 pour cent.

§ 199.—Étoffes tissées et tricotées non spécialement dénommées, en laine ou en poil de chèvre, unies, chinées, avec ou sans mélange de coton :

(b.) En tissu de laine peignée ou avec mélange de ce tissu, par livre, 1 r. 50 c. or : réduction, 20 pour cent.

§ 205.—1. Ouvrages tricotés, même avec traces de couture :

(b.) En demi-soie, par livre, 3 roubles or : réduction, 10 pour cent ;

(c.) De toute autre espèce, par livre, 1 rouble or : réduction, 20 pour cent.

2. Cordons et tresses de passementerie et de bonneterie, agréments, franges, glands, garnitures, et autres ouvrages tressés :

(a.) En soie et demi-soie, par livre, 3 roubles or : réduction, 10 pour cent ;

(b.) De toute autre espèce, par livre, 1 rouble or : réduction, 20 pour cent.

Remarque.—Les ouvrages dénommés aux alinéas 1 (c) et 2 (b), avec mélange de soie et de clinquant (or ou argent faux), en guise d'ornements, acquittent 30 pour cent en sus des droits d'entrée fixés par les dits alinéas.

§ 207.—1. Dentelles de toutes sortes faites à la main, dentelles de soie faites à la machine (blondes), broderies et entre-deux de soie, par livre, 7 r. 50 c. or : réduction, 10 pour cent.

§ 209.—1. Chapeaux et autres coiffures de tout genre pour dames, garnis de rubans, de fleurs, de plumes, &c., par livre, 18 roubles or : réduction, 15 pour cent.

§ 210, *ex alinéa* 1^{er}.—1. Chapeaux en poil, demi-poil, et feutre, achevés ou préparés, par pièce, 1 r. 20 c. or : réduction, 25 pour cent.

§ 213. Plumes apprêtées d'autruche, de marabout, d'oiseaux de paradis, et autres semblables, plumages et tissus en plumes pour garnitures de vêtements ; fleurs artificielles, hormis celles en porcelaine, faïence, papier, et cuir ; plantes décoratives artificielles avec mélange de matières précieuses, par livre brute, 8 roubles or : réduction, 15 pour cent.

Remarque 1.—Les plumes et les peaux d'oiseaux rares ou communs, garnies de plumes imitant les plumes de prix non apprêtées, ainsi que les parties détachées de tout genre de fleurs artificielles, acquittent un droit d'entrée de 4 roubles en or par livre : réduction, 15 pour cent.

§ 215. Articles de mercerie et de toilette non spécialement dénommés, montés ou non montés, jouets d'enfants :

1. Mercerie fine, contenant des matières de prix, telles que soie, aluminium, nacre, corail, écaille, ivoire, émail, ambre, et autres matières précieuses, métaux dorés ou argentés, et compositions métalliques, ouvrages de toute espèce non spécialement dénommés, en nacre, écaille, ivoire, et ambre, par livre, 2 roubles or : réduction, 10 pour cent ;

2. Mercerie commune avec parties, montures, ou ornements en métaux non précieux et alliages métalliques (non dorés et non argentés), en corne, os, bois, porcelaine, pierres gemmes, verre, écume de mer, baleine, jais, celluloïde, lave, et autres matières de bas prix ; ouvrages de toute espèce non spécialement dénommés, en corne, os, écume de mer, baleine, jais, celluloïde, lave, et cire, par livre, 50 copecks or : réduction, 20 pour cent.

Remarque 3.—Les étuis des objets auxquels s'applique le présent paragraphe acquittent les droits selon les matières dont ils sont confectionnés.

Un arrangement ultérieur déterminera pour chaque paragraphe, en francs et en roubles, la quotité correspondante des droits spécifiques réduits sur la base indiquée ci-dessus.

Au cas où le Gouvernement Impérial serait amené à promulguer un double Tarif Douanier, le bénéfice de l'application du Tarif le plus réduit sera de plein droit attribué aux produits d'origine Française.

III. La présente Convention sera ratifiée, et les ratifications en seront échangées à Saint-Petersbourg le ^{10 Juin}_{1^{er} Juillet} 1893 ; elle entrera en vigueur le ^{30 Juin}_{12 Juillet} de la même année, et demeurera exécutoire jusqu'à l'expiration d'une année à partir du jour où l'une ou l'autre des Hautes Parties Contractantes l'aura dénoncée.

En foi de quoi les Plénipotentiaires respectifs l'ont signée et y ont apposé le cachet de leurs armes.

Fait à Saint-Petersbourg, le ⁵₁₇ Juin, de l'an de grâce 1893.

(L.S.) MONTEBELLO.

(L.S.) SERGE WITTE.

(L.S.) N. CHICKINE.

Déclarations échangées au moment de la Signature de la Convention.

1^{ère} Déclaration.

LES produits de pétrole Russes, de quelque partie de l'Empire qu'ils proviennent, ayant séjourné en entrepôt, seulement en Russie, ne seront pas passibles de la surtaxe dite d'entrepôt.

2^e Déclaration.

Le Gouvernement Français s'engage à insérer dans la Loi sur les Pétroles une clause portant interdiction d'importer ou de vendre des huiles minérales raffinées, autres que les essences, qui émettraient, à une température inférieure à celle de 35 degrés du thermomètre centigrade, des vapeurs susceptibles de prendre feu au contact d'une allumette enflammée. Il sera, cependant, admis une tolérance de 2 degrés au-dessous de 35.

3^e Déclaration.

Le Gouvernement Français s'engage à demander au Parlement le vote de dispositions établissant qu'aucun droit d'octroi frappant les huiles minérales ou végétales ne pourra être créé à l'avenir dans les villes où ce droit n'existe pas, ni relevé dans les villes où il existe.

Dans les villes où ces Tarifs existent, à partir du jour de leur expiration, le droit perçu sur les huiles minérales et végétales ne pourra être supérieur à 50 pour cent du droit perçu par le Trésor, décime compris.

4^e Déclaration.

A partir de l'entrée en vigueur de la Convention Commerciale et à titre de réciprocité, les certificats d'origine concernant les produits Français seront délivrés gratuitement dans les Chancelleries Diplomatiques ou Consulaires de Russie.

Le visa et la légalisation des dits certificats seront également gratuits.

CONVENTION entre la Russie et les Pays-Bas, pour l'Extradition des Malfaiteurs.—Signée à La Haye, le 4 Novembre, 1893.

[Ratifications échangées à La Haye, le 4 Janvier, 1894.]

SA Majesté la Reine des Pays-Bas et en son nom Sa Majesté la Reine-Régente du Royaume des Pays-Bas, et Sa Majesté l'Empereur de Toutes les Russies, ayant résolu d'un commun accord de conclure une nouvelle Convention pour l'Extradition des Malfaiteurs, ont nommé à cet effet pour leurs Plénipotentiaires, savoir :

Sa Majesté la Reine-Régente du Royaume des Pays-Bas, le Sieur Gijssbert van Tienhoven, Ministre des Affaires Étrangères ;

Sa Majesté l'Empereur de Toutes les Russies, son Maître de la Cour et Chevalier Cyrille de Struve, son Envoyé Extraordinaire et Ministre Plénipotentiaire près la Cour des Pays-Bas ;

Lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivants :—

ART. I. Le Gouvernement des Pays-Bas et le Gouvernement de la Russie s'engagent à se livrer réciproquement, suivant les règles déterminées par les Articles suivants, à l'exception de leurs nationaux, les individus condamnés ou prévenus à raison d'un des faits ci-après énumérés, commis hors du territoire de l'État auquel l'extradition est demandée :

1.—(a.) Attentat contre la vie ou la liberté du Souverain, de la Souveraine, du Régent ou d'un autre Chef d'un État ami, ou entrepris dans le dessein de les rendre incapables de régner ;

(b.) Attentat contre la vie ou la liberté de la Reine non régnante, de l'héritier présomptif du Trône ou d'un membre de la Famille Souveraine ;

2. Meurtre ou assassinat, meurtre ou assassinat commis sur un enfant ;

3. Menaces, faites par écrit et sous une condition déterminée, pour autant que les lois des deux pays permettent l'extradition de ce chef ;

4. Avortement, procuré par la femme enceinte ou par d'autres ;

5. Sévices, ayant occasionné une grave lésion corporelle ou la mort, sévices commis avec préméditation ou sévices graves ;

6. Viol ; attentat à la pudeur ; le fait d'avoir, en dehors du mariage, un commerce charnel avec une fille ou une femme au-dessous de l'âge de 16 ans, ou avec une femme au-dessus de cet âge, lorsque le coupable sait qu'elle est évanouie ou sans connaissance ; actes d'immoralité, lorsque le coupable sait que la personne avec laquelle il les commet est évanouie ou sans connaissance, ou lorsque cette personne n'a pas atteint l'âge de 16 ans ; excitation d'une personne au-dessous de cet âge à commettre ou à subir des actes d'immoralité ou à avoir, en dehors du mariage, un commerce charnel avec un tiers ;

7. Excitation de mineurs à la débauche et tout acte ayant pour objet de favoriser la débauche de mineurs, punissable d'après les lois des deux pays ;

8. Bigamie ;

9. Enlèvement, recel, suppression, substitution, ou supposition d'un enfant ;

10. Enlèvement de mineurs ;

11. Contrefaçon ou altération de monnaies ou de papier-monnaie,

entreprise dans le dessein d'émettre ou de faire émettre ces monnaies ou ce papier-monnaie comme non-contrefaits et non-altérés, ou mise en circulation de monnaies ou de papier-monnaie contrefaits ou altérés, lorsqu'elle a lieu à dessein ;

12. Contrefaçon ou falsification de timbres et de marques de l'État ou de marques d'ouvrier exigées par la loi, punissable selon les Articles 216 et 217 du Code Pénal Néerlandais ;

13. Faux en écriture et usage fait à dessein de l'écriture fausse ou falsifiée, pour autant que les lois des deux pays permettent l'extradition de ce chef ; la détention ou l'introduction de l'étranger de billets d'une banque de circulation fondée en vertu de dispositions légales, dans le dessein de les mettre en circulation comme n'étant ni faux ni falsifiés, lorsque l'auteur savait au moment où il les a reçus qu'ils étaient faux ou falsifiés ;

14. Faux serment ;

15. Corruption de fonctionnaires publics, pour autant que les lois des deux pays permettent l'extradition de ce chef ; concussion ; détournement commis par des fonctionnaires ou par ceux qui sont considérés comme tels ;

16. Incendie allumé à dessein, lorsqu'il peut en résulter un danger commun pour des biens ou un danger de mort pour autrui ; incendie allumé dans le dessein de se procurer ou de procurer à un tiers un profit illégal au détriment de l'assureur ou du porteur légal d'un contrat à la grosse ;

17. Destruction illégale commise à dessein d'un édifice appartenant en tout ou en partie à un autre, ou d'un édifice ou d'une construction, lorsqu'il peut en résulter un danger commun pour des biens ou un danger de mort pour autrui ;

18. Actes de violence commis en public, à forces réunies, contre des personnes ou des biens ;

19. Le fait illégal commis à dessein de faire couler à fond, de faire échouer, de détruire, de rendre impropre à l'usage ou de détériorer un navire, lorsqu'il peut en résulter un danger pour autrui ;

20. Émeute et insubordination des passagers à bord d'un navire contre le capitaine et des gens de l'équipage contre leurs supérieurs ;

21. Le fait commis à dessein d'avoir mis en péril un convoi sur un chemin de fer ;

22. Vol ;

23. Escroquerie ;

24. Abus de blanc-seing ;

25. Détournement ;

26. Banqueroute frauduleuse ;

Sont comprises dans les qualifications précédentes la tentative et

la complicité, lorsqu'elles sont punissables d'après la législation du pays auquel l'extradition est demandé.

II. L'extradition n'aura pas lieu :

1. Lorsque le fait a été commis dans un pays tiers et que le Gouvernement de ce pays requiert l'extradition ;

2. Lorsque la demande en sera motivée par le même fait pour lequel l'individu réclamé a été jugé dans le pays auquel l'extradition est demandée et du chef duquel il y a été condamné, absous ou acquitté ;

3. Si, d'après les lois du pays auquel l'extradition est demandée, la prescription de l'action ou de la peine est acquise avant l'arrestation de l'individu réclamé, ou, l'arrestation n'ayant pas encore eu lieu, avant qu'il n'ait été cité devant le Tribunal pour être entendu.

III. L'extradition n'aura pas lieu aussi longtemps que l'individu réclamé est poursuivi pour le même fait dans le pays auquel l'extradition est demandée.

IV. Si l'individu réclamé est poursuivi ou subit une peine pour une autre infraction que celle qui a donné lieu à la demande d'extradition, son extradition ne sera accordée qu'après la fin de la poursuite dans le pays auquel l'extradition est demandée, et, en cas de condamnation, qu'après qu'il aura subi sa peine ou qu'il aura été gracié. Néanmoins, si d'après les lois du pays qui demande l'extradition, la prescription de la poursuite pouvait résulter de ce délai, son extradition sera accordée, si des considérations spéciales ne s'y opposent, et sous l'obligation de renvoyer l'extradé aussitôt que la poursuite dans ce pays sera finie.

V. L'individu extradé ne pourra être ni poursuivi ni puni, dans le pays auquel l'extradition a été accordée, pour un fait punissable quelconque non prévu par la présente Convention et antérieur à son extradition, ni extradé à un État tiers sans le consentement de celui qui a accordé l'extradition, à moins qu'il n'ait eu la liberté de quitter de nouveau le pays susdit pendant un mois après avoir été jugé, et, en cas de condamnation, après avoir subi sa peine ou après avoir été gracié.

Il ne pourra pas non plus être poursuivi ni puni du chef d'un fait prévu par la Convention, antérieur à l'extradition, sans le consentement du Gouvernement qui a livré l'extradé et qui pourra, s'il le juge convenable, exiger la production de l'un des documents mentionnés dans l'Article VII de la présente Convention. Toutefois, ce consentement ne sera pas nécessaire lorsque l'inculpé aura demandé spontanément à être jugé ou à subir sa peine, ou lorsqu'il n'aura pas quitté, dans le délai fixé plus haut, le territoire du pays auquel il a été livré.

VI. Les dispositions du présent Traité ne sont point applicables

aux délits politiques. La personne qui a été extradée à raison de l'un des faits de droit commun mentionnés à l'Article I ne peut, par conséquent, en aucun cas, être poursuivie et punie dans l'État auquel l'extradition a été accordée, à raison d'un délit politique commis par elle avant l'extradition, ni à raison d'un fait connexe à un semblable délit politique, à moins qu'elle n'ait eu la liberté de quitter de nouveau le pays pendant un mois après avoir été jugée, et, en cas de condamnation, après avoir subi sa peine ou après avoir été graciée.

VII. L'extradition sera demandée par la voie diplomatique et ne sera accordée que sur la production de l'original ou d'une expédition authentique, soit d'un jugement de condamnation, soit d'une ordonnance de mise en accusation ou de renvoi devant la justice répressive avec mandat d'arrêt, soit d'un mandat d'arrêt, délivré dans les formes prescrites par la législation de l'État qui fait la demande, et indiquant suffisamment le fait dont il s'agit, pour mettre l'État requis à même de juger s'il constitue, d'après sa législation, un cas prévu par la présente Convention, ainsi que la disposition pénale qui lui est applicable.

VIII. Les objets saisis en la possession de l'individu réclamé seront livrés à l'État requérant, si l'autorité compétente de l'État requis en a ordonné la remise.

IX. En attendant la demande d'extradition par la voie diplomatique l'arrestation provisoire de l'individu dont l'extradition peut être requise aux termes de la présente Convention pourra être demandée :

Du côté des Pays-Bas par tout officier de justice ou tout Juge d'Instruction (Juge Commissaire) ;

Du côté de la Russie par tout Juge d'Instruction et fonctionnaire chargé des fonctions de Juge d'Instruction.

L'arrestation provisoire est soumise aux formes et aux règles prescrites par la législation du pays auquel la demande est faite.

X. L'étranger arrêté provisoirement, aux termes de l'Article précédent, sera, à moins que son arrestation ne doive être maintenue pour un autre motif, mis en liberté, si, dans le délai de vingt jours après la date du mandat d'arrestation provisoire, la demande d'extradition par la voie diplomatique, avec remise des documents prescrits par la présente Convention, n'a pas été faite.

XI. Lorsque, dans la poursuite d'une affaire pénale non politique, un des Gouvernements jugera nécessaire l'audition de témoins se trouvant dans l'autre État, une Commission Rogatoire sera envoyée à cet effet par la voie diplomatique, et il y sera donné suite, en observant les lois du pays où les témoins seront invités à comparaître.

Toute Commission Rogatoire, ayant pour but de demander une

audition de témoins, devra être accompagnée d'une traduction Française.

XII. Si dans une cause pénale non politique la comparation personnelle d'un témoin dans l'autre pays est nécessaire ou désirée, son Gouvernement l'engagera à se rendre à l'invitation qui lui sera faite, et en cas de consentement il lui sera accordé des frais de voyage et de séjour, d'après les tarifs et règlements en vigueur dans le pays où l'audition devra avoir lieu, sauf le cas où le Gouvernement requérant estimera devoir allouer au témoin une plus forte indemnité.

Aucun témoin, quelle que soit sa nationalité, qui, cité dans l'un des deux pays, comparaitra volontairement devant les Juges de l'autre pays, ne pourra y être poursuivi ou détenu pour des faits ou condamnations criminels antérieurs, ni sous prétexte de complicité dans les faits, objets du procès où il figurera comme témoin.

XIII. Lorsque dans une cause pénale non politique la confrontation de criminels, détenus dans l'autre État, ou bien la communication de pièces de conviction ou de documents qui se trouveraient entre les mains des autorités de l'autre pays, sera jugée utile ou nécessaire, la demande en sera faite par la voie diplomatique, et l'on y donnera suite à moins de considérations spéciales qui s'y opposent, et sous l'obligation de renvoyer les criminels et les pièces.

XIV. Le transit, à travers le territoire de l'un des États Contractants, d'un individu livré par une tierce Puissance à l'autre Partie et n'appartenant pas au pays du transit, sera accordé sur la simple production, en original ou en expédition authentique, de l'un des actes de procédure mentionnés à l'Article VII, pourvu que le fait servant de base à l'extradition soit compris dans la présente Convention et ne rentre pas dans les prévisions des Articles II et VI, et que le transport ait lieu, quant à l'escorte, avec le concours de fonctionnaires du pays qui a autorisé le transit sur son territoire.

Les frais du transit seront à la charge de l'État requérant.

XV. Les Gouvernements respectifs renoncent de part et d'autre à toute réclamation pour la restitution des frais d'entretien, de transport et autres, qui pourraient résulter, dans les limites de leurs territoires respectifs, de l'extradition des prévenus, accusés ou condamnés, ainsi que de ceux résultant de l'exécution des Commissions Rogatoires, du transport et du renvoi des criminels à confronter, et de l'envoi et de la restitution des pièces de conviction ou des documents.

Au cas où le transport par mer serait jugé préférable, l'individu à extraditer sera conduit au port que désignera l'Agent Diplomatique ou Consulaire du Gouvernement requérant, aux frais duquel il sera embarqué.

XVI. La présente Convention, laquelle n'est pas applicable aux Colonies, ne sera exécutoire qu'à dater du vingtième jour après sa promulgation dans les formes prescrites par les lois des deux pays.

A partir de sa mise à exécution la Convention du 13 Août, 1880,* cessera d'être en vigueur et sera remplacée par la présente Convention, laquelle continuera à sortir ses effets jusqu'à six mois après déclaration contraire de la part de l'un des deux Gouvernements.

Elle sera ratifiée, et les ratifications en seront échangées dans le délai de deux mois, ou plus tôt si faire se peut.

En foi de quoi les Plénipotentiaires respectifs ont signé la présente Convention et y ont apposé leurs cachets.

Fait en double expédition à La Haye, le 4 Novembre, 1893.

(L.S.) VAN TIENHOVEN.

(L.S.) C. STRUVE.

CONVENTION between the Netherlands and the Orange Free State, for the Extradition of Criminals.—Signed at the Hague, April 24, 1893.

[Ratifications exchanged at the Hague, April 9, 1894.]

(Translation.)

HER Majesty the Queen of the Netherlands, and in her name the Queen-Regent of the Kingdom, and the Right Honourable the State President of the Orange Free State, having agreed to conclude a new Convention relating to the Extradition of Criminals, have for this object appointed as their Plenipotentiaries the following persons :

Her Majesty the Queen-Regent of the Kingdom of the Netherlands, on her part, M. Gijsbert van Tienhoven, Commander of the Order of the Netherland Lion, &c., Minister for Foreign Affairs; and

The Right Honourable the State President of the Orange Free State, on his part, M. Hendrik Antonie Lodewijk Hamelberg, Commander of the Order of Leopold of Belgium, Consul-General of the Orange Free State in the Netherlands;

Who, after having presented to each other their credentials, which were found in good and proper form, have agreed to the following Articles :—

ART. I. The Government of the Netherlands and the Government of the Orange Free State bind themselves, by the provisions enacted in the following Articles, to deliver up to each other all persons, with

the exception of their own subjects, convicted or accused of any of the acts hereafter mentioned, committed outside the territory of the State from which the extradition is demanded :

1.—(a.) Attempt against the life or the liberty of the King, of the reigning Queen, of the Regent, of the State President or of the Head of a friendly State, or undertaken with the object of rendering them incapable to govern ;

(b.) Attempt against the life or the liberty of the Queen who is not reigning, of the heir presumptive to the Throne or of a member of the reigning House ;

2. Murder, child murder, manslaughter ;

3. Threats, made in writing and on certain conditions, so far as the laws of the two countries allow of extradition on that ground ;

4. Wilfully causing the abortion of a woman either through herself or by other persons ;

5. Injury to the person, so far as the laws of the two countries allow of extradition on that ground ;

6. Compelling a woman by force or threats with violence to have carnal connection when not married to her ; having carnal connection, when not married to her, with a woman whom the man knows to be in a state of unconsciousness or in a fainting fit ; attempted violation (with violence or threats) ; indecent assault on a person under the age of 14 ;

7. Instigating persons under age to commit indecent assaults, and all acts having as their object the abetting of fornication among persons under age, which are punishable by the laws of the two countries ;

8. Bigamy ;

9. Abduction, carrying off, concealment, or substitution of a child ;

10. Abduction or carrying off persons under age ;

11. Forging or falsifying specie or bank-notes, with the object of issuing or causing to be issued such specie or bank-notes as genuine, or wilfully bringing into circulation bad money or forged bank-notes ;

12. Forging or falsifying stamps and marks or signatures required by law, so far as the laws of the two countries allow of extradition on that ground ;

13. Falsehood in writing and with the intention of using the false or falsified writing, so far as the laws of the two countries allow of extradition on that ground ; introducing from abroad notes of a bank of circulation established by force of law, with the object of issuing them as genuine, in case the person so acting was aware of their being worthless when he received those notes, and was acting in concert with the forger or his accomplices ;

14. False evidence, bribery of witnesses, perjury ;

15. Bribery of public officials, so far as the laws of the two countries allow of extradition on that ground, extortion, embezzlement by officials and other persons of the same status ;

16. Arson, if danger to life or property of others is to be feared from it ; arson with the object of illegally gaining advantage to one's-self or to another person to the prejudice of an insurer or to the lawful holder of a bill of bottomry ;

17. Wilful and unlawful destruction of a building belonging wholly or in part to another person ;

18. Open violence in association with other persons with intent to destroy property, so far as the laws of the two countries allow of extradition on that ground ;

19. Wilfully and unlawfully causing a vessel to founder or strand, destroying, rendering unserviceable, or damaging a vessel, if danger of life to other persons is to be apprehended ;

20. Mutiny and resistance of passengers to the captain and of ordinary seamen to their superiors in rank, so far as the laws of the two countries allow of extradition on that ground ;

21. The wilful causing of danger to a railway train, so far as the laws of the two countries allow of extradition on that ground ;

22. Theft ;

23. Fraud ;

24. Abuse of a blank signature ;

25. Embezzlement, abuse of trust ;

26. Fraudulent bankruptcy.

Under the foregoing descriptions are included attempt and complicity, so far as they are punishable by the laws of the country from which the extradition is demanded.

II. The extradition shall not be conceded—

1. When the act was committed in a third State and the Government of that State demands the extradition ;

2. When the demand is made on the ground of the same act for which the person claimed has been tried in the country from which the extradition is demanded, and for which he has there been sentenced, dismissed from prosecution, or acquitted ;

3. If the period for the prosecution or the punishment has lapsed according to the laws of the country from which the extradition is demanded at the time when the extradition would have taken place.

III. The extradition shall not take place so long as the person claimed is being prosecuted for the same act in the country from which the extradition is demanded.

IV. If the person claimed is being prosecuted or is undergoing punishment for an offence other than that for which his extradition is demanded, his extradition shall not be granted till after the

prosecution instituted in the country from which the extradition is demanded, and in the case of his being sentenced it shall not be granted until he has undergone the punishment inflicted or has had his sentence remitted. Nevertheless, when, by the laws of the country which claims the extradition, the prosecution should lapse by prescription through such delay, the extradition shall be granted, unless special reasons are opposed to it, and under the obligation of sending back the person extradited, as soon as the prosecution in that country has terminated.

V. The person extradited shall not be prosecuted nor punished in the country to which the extradition is conceded, nor extradited to a third State, for a criminal act not mentioned in the present Convention and committed previous to the extradition, unless in both cases he had the free choice of again quitting the country first named during the period of one month following the termination of the prosecution instituted against him, and, in case of conviction, has undergone the punishment inflicted on him or has had his sentence remitted.

Nor shall he be prosecuted or punished for a criminal offence mentioned in the present Convention and committed previously to the extradition, but for which the extradition was not granted, without the consent of the Government which granted the extradition, and which, if it deems it desirable, shall require the production of one of the documents mentioned in Article VII of the present Convention. The consent of that Government shall in like manner be required to the granting of the extradition of the accused to a third State. That consent, however, shall not be required when the accused person, of his own accord, claims to be tried or to undergo his punishment, or when he has not left the territory of the State to which he is extradited within the time above mentioned.

VI. The provisions of the present Convention are not applicable to political offenders.

No person extradited for any of the acts mentioned in Article I may be prosecuted or punished in the State to which the extradition is granted for a political offence committed by him before his extradition, nor for any act connected with such political offence, unless he had the free choice of leaving the country again, during the month following the termination of the prosecution instituted against him, and in case of his conviction had undergone the punishment inflicted on him or had his sentence remitted.

VII. The extradition shall be demanded by diplomatic intervention, and shall be granted only on the presentation of the original document, or of an authenticated copy, either of the sentence of conviction or of the order for prosecution or of the order by which legal

process is granted with warrant for arrest, or of the warrant for arrest, issued in the form prescribed by the laws of the State demanding the extradition, and in which the act in question is described in such a way that the State from which the extradition is claimed is able to decide whether, according to its laws, it presents a case contemplated by the present Convention, as also to judge of the punishment applicable to the offence.

VIII. The property seized on or in the possession of the person claimed shall be given over to the State that claims his extradition, if the proper authority of the State of which the extradition is demanded has ordered the handing over of such property.

IX. While awaiting the demand for extradition through the diplomatic channel, the provisional arrest of the person whose extradition may be demanded by the present Convention may be applied for: on the part of the Netherlands, by any officer of justice or by any Judge of Instruction ("Rechter Commissaris"); and, on the part of the Orange Free State, by the Attorney-General.

X. All foreigners under provisional arrest according to the provisions of the preceding Article, unless they have to remain in custody for other reasons, shall be set at liberty if the demand for extradition through the diplomatic channel, accompanied by the documents prescribed in the present Convention, has not been made within two months from the date of the warrant for provisional arrest.

XI. When, in prosecuting for an offence, one of the Governments considers necessary the examination of witnesses who are in the other State, a Commission of Inquiry shall be sent through the diplomatic channel for that object, and the proceeding shall be carried on with due observance of the laws of the country where the witnesses are to be examined. Meanwhile, in urgent cases a Commission of Inquiry may be sent direct by the legal authorities in one State to the legal authorities in the other State.

XII. In a criminal case, relating to a common offence, if the appearance of a witness is necessary or desirable in the other country, his Government shall request him to attend to the invitation made to him, and, in the event of his compliance, travelling and lodging expenses shall be assigned to him according to the tariffs and regulations in force in the country where the examination is to take place, unless the Government requiring his presence shall think it necessary to allow him a higher compensation.

Witnesses of any nationality who, when summoned to appear in one of the two States, present themselves before the Judges of the other State, shall not be prosecuted or arrested for criminal offences previously committed by them in such State, or on account of sentences for offences pronounced against them, nor even on the

pretext of their complicity in the acts which form the subject of the legal proceedings in which they appear as witnesses.

XIII. In a criminal case, relating to a common offence, when the confronting of offenders detained in the other State, or the production of depositions or other documents which are in the hands of the authorities of the other country, is considered useful or necessary, the request relating thereto shall be made through the diplomatic channel, and shall be complied with unless special reasons are opposed to such a course, and under the obligation to send back the offenders, depositions, and other documents.

XIV. The transit through the territory of one of the States which is a party to this Convention of a person extradited by a third Power to the other party, the extradited person not belonging to the country through which he is passing, shall be permitted on the exhibition, either of the original or of an authenticated copy of one of the documents mentioned in Article VII, provided that the offence on which the extradition is grounded is mentioned in the present Convention and does not come under the provisions of Articles II and VI, and provided that the transit as regards the escort of the extradited person is executed with the co-operation of the officials of the country which has permitted such passage through its territory.

The costs of the transit shall be defrayed by the State which has demanded the extradition

XV. The two Governments renounce all claim to repayment of the costs of maintenance, of conveyance, &c., incurred within the boundaries of their territory by the extradition of accused or condemned persons, &c., as also those incurred for Commissions of Inquiry, for sending and returning offenders sent for confrontation, and for sending and returning depositions and other documents.

The persons to be extradited shall be conveyed to the port indicated by the Consular Officer of the State which demands the extradition, and be put on board at the charge of its Government.

XVI. The present Convention, which is not applicable to the Colonies, shall come into operation from the twentieth day after its publication in the forms prescribed by the laws of the two countries.

From the date of its coming into operation, the Convention of the 14th November, 1874,* shall cease to be in force and be replaced by the present Convention, which shall remain in force till six months after its denunciation by one of the two Governments.

It shall be ratified, and the ratifications shall be exchanged at the Hague as soon as possible.

* Vol. LXV, page 989.

In token whereof the two Plenipotentiaries have signed the present Convention and have thereto affixed their seals.

Drawn up in duplicate at the Hague, this 24th April, 1893.

(L.S.) VAN TIENHOVEN.

(L.S.) H. A. L. HAMELBERG.

TREATY of Commerce and Navigation between His Majesty the King of Portugal and the Algarves and Her Majesty the Queen-Regent of Spain.—Signed at Madrid, March 27, 1893.

[Ratifications exchanged at Lisbon, September 5, 1893.]

(Translation.)

HIS Majesty the King of Portugal and the Algarves and Her Majesty the Queen-Regent of Spain, equally animated with the wish of drawing closer the ties of friendship which unite the two countries, and being desirous of extending the commercial relations between their respective States, have determined to conclude a special Treaty for this purpose, and have appointed their Plenipotentiaries, namely :

His Majesty the King of Portugal and the Algarves, Sebastião Guedes Bramdão de Mello, Count of São Miguel, a Grandee of the Kingdom, Chief Officer of his Royal Household, Bachelor of Laws at the University of Coimbra, Grand Cross of the Order of Our Lady of Conception of Villa Viçosa, Knight of the Most Ancient and Noble Order of the Tower and Sword for the reward of valour, loyalty, and merit, Grand Cross of the National and Royal Order of the Lion of the Netherlands, of the Order of St. Anne of Russia, and of that of Albert the Valorous of Saxony, Knight Commander of the Order of Isabella the Catholic of Spain, of the Iron Crown of Austria, and of several other foreign Orders, &c., his Envoy Extraordinary and Minister Plenipotentiary to His Catholic Majesty ;

Her Majesty the Queen-Regent of Spain, Don Antonio Aguilar y Correa, Marquis of Vega de Armijo and Mós, Count of Bobadilla, Viscount of Pegullal, a Grandee of Spain of the first class, a member of the Royal Academies of History and of Moral and Political Science, Doctor of Laws, Knight and Master of the Royal Institute of Seville, Knight of the Papal Order of Christ, Grand Cross of the Ancient and Most Noble Order of the Tower and Sword for the reward of valour, loyalty, and merit, Grand Cross of

the Order of Our Lady of the Conception of Villa Viçosa, Collar and Grand Cross of Leopold of Austria, Collar and Grand Cross of Wasa of Sweden, Grand Cordon of the Legion of Honour of France, Grand Cross of the Red Eagle (upper grade) of Prussia, of Saints Mauritius and Lazarus of Italy, of St. Alexander Newsky of Russia, of the Danebrog of Denmark (in brilliants), of Leopold of Belgium, of St. Olave of Norway, of the Saviour of Greece, of the Lion of the Netherlands, of Osmanié of Turkey, decorated with the Double Dragon of China, Officer of Public Instruction in France, &c., her Minister for Foreign Affairs ;

Who, after having communicated to each other their respective full powers, which were found in good and due form, have agreed upon the following Articles :—

ART. I. There shall be entire freedom of commerce between the subjects of the two High Contracting Parties. They shall not be liable, by reason of their commerce or industry, in the ports, cities, or any other places of the respective States, whether they may be settled there or are only temporary residents, to other or higher taxes, imposts, or contributions of any kind than those paid by natives. The privileges, immunities, and other favours enjoyed in matters of commerce and industry by the subjects of either of the Contracting Parties shall be common to those of the other.

II. The High Contracting Parties mutually engage that neither of them will establish any prohibition against the other as to the importation or exportation of any merchandize, unless such prohibition is extended to other nations at the same time.

This principle is not, however, applicable in the following cases :—

1. As regards the importation, exportation, or transit of any merchandize which is now, or may hereafter become, a monopoly of the State ;

2. To any merchandize—whether mentioned or not in this Treaty—with regard to which either of the High Contracting Parties may deem it necessary to impose any prohibitions or temporary restrictions on its entry, exit, or transit, on sanitary grounds, in order to prevent the spreading of any cattle plagues or the destruction of harvests, and also on account and in anticipation of any war.

III. The products of the soil or any manufactured goods whatsoever, originally coming from either of the two countries and imported into the other, shall not be liable to the payment of any higher octroi or consumption dues, levied on account of the State, or any provinces or municipalities, than those at present paid, or which may hereafter be paid, upon similar merchandize of native production.

IV. Portuguese manufacturers and merchants, and commercial

travellers in Spain on account of any Portuguese firm, and Spanish manufacturers and merchants, and commercial travellers in Portugal on account of any Spanish firm, will be at liberty, without being liable either in Portugal or in Spain to the payment of any industrial tax, to make any purchases or sales they may require for their business and to receive orders. These commercial travellers may carry with them patterns and samples, but no merchandize.

This exemption from the tax in question will be secured by means of a certificate of identity in accordance with the Form (A) annexed to this Treaty.

V. Any gold or silver articles imported into either of the two countries shall be subject in the other to the laws and regulations in force with respect to the assaying of the same.

VI. Portuguese in Spain and Spaniards in Portugal will be entitled to the treatment laid down, or which may be hereafter laid down, in any special Treaties relating to the ownership of trade-marks, or of any industrial or commercial models or drawings. In the absence of such Treaties, the subjects of either of the two nations will be entitled in the other to the advantages accorded to the natives by law.

VII.* Portugal and Spain mutually engage that in future no other country will be treated in a more advantageous manner than the two countries respectively, as far as regards depôts, re-exportation, transit, transhipment, and navigation in general.

VIII. The products of the soil, and the manufactured articles mentioned in Schedule (A) annexed to this Treaty, shall be exempted from all import, export, or transit dues while being carried for the purpose of trade over the common roads or railways of the frontier between Portugal and Spain, and upon the rivers which serve as a boundary-line between the two countries.

IX. The articles originally coming from either of the two contracting countries, and which are specified in Schedule (B) annexed to this Treaty, will be allowed to circulate freely through the land frontier of both nations, and upon the rivers which serve as a boundary between them, subject, however, to the formalities laid down in that Schedule.

X. The products of the soil of Spain, and Spanish manufactured articles specified in Schedule (C) annexed to this Treaty, will be admitted into Portugal, if directly imported by sea, on payment of the duties laid down in the said Schedule.

XI. The products of the soil of Portugal, and Portuguese manufactured articles specified in Schedule (D) annexed to this Treaty, will be admitted into Spain, if imported directly by sea, on payment of the duties laid down in the said Schedule.

* See Final Protocol, page 462.

XII. The two High Contracting Parties reserve the right of granting to other countries the Treaty duties as laid down in Schedules (C) and (D).

No reduction, however, will be granted to any third Power of the duties laid down in the aforesaid Schedules (C) and (D), unless the two High Contracting Parties shall have previously come to an agreement with reference thereto.

XIII. The products of the soil, and the manufactured articles of Spain mentioned in Schedule (E) annexed to this Treaty, will not be liable in Portugal to other or higher duties than those levied upon similar goods of any other nation.

XIV. The products of the soil, or manufactured articles of Portugal mentioned in Schedule (F) annexed to this Treaty, will not be liable in Spain to other or higher duties than those already imposed, or which may be hereafter imposed, on similar goods from another country.

XV. Either of the High Contracting Parties may require an importer, in order that he may prove that his goods originally come from, or have been manufactured in, the country of exportation, to present to the custom-house of the importing country an official declaration, in accordance with Form (B) annexed to this Treaty, drawn up before the local authorities of the place whence the goods have come, or where they may have been kept in bond or deposited, by the producer or manufacturer, or by any other person duly authorized by them.

The importer may also be called upon to exhibit the document issued by the Customs authorities certifying as to the origin of the products of any third country passing in transit through the territory of either of the Contracting Parties.

The authorities of the importing country, or of the country through which the products referred to in this Article pass in transit, may require that the signature of the authorities who may have certified the documents in question should be attested by the Consul.

The Consular fee leviable for this formality is 900 reis in Portugal, and 5 pesetas in Spain.

The provisions of this Article do not apply to the articles of merchandize mentioned in Schedule (A), whether imported by sea or overland.

XVI. Articles of merchandize subject to import duty and imported by commercial travellers will be imported by both countries free of duty provisionally, subject to the Customs formalities required in order to secure their re-exportation, or the payment of the duties thereon.

XVII.* The régime for the fluvial and maritime trade, and

* See Final Protocol, page 462.

for that over the common roads, and also with reference to the Customs service and the repression of frauds, will be established by means of special Regulations which will be adopted by mutual agreement between the Contracting Parties in accordance with the bases set forth in the Appendices to this Treaty, which refer to—

1. The trade over the common roads on the frontier of both countries;

2. The trade by the rivers serving as a boundary between Portugal and Spain;

3. The trade by sea;

4. The fiscal supervision and repression of smuggling.

XVIII. The conveyance of goods through the international railways of both countries will be subject to the rules set forth in the Regulations forming Appendix No. 5 annexed to this Treaty.

XIX. The coast and fishery police service in both countries will be subject to the provisions contained in the Regulations (Appendix No. 6 to this Treaty).

XX. Either of the two High Contracting Parties will be at liberty to levy on the merchant-vessels of the other Power and on the respective cargoes any dues, as they may deem expedient, for any harbour works or Customs services. In no case, however, will the dues payable by the ships of either country in the ports of the other be higher than those paid by national vessels.

XXI. The provisions of this Treaty do not apply to the coasting trade, which will be regulated in accordance with the laws and regulations in each country, and in accordance with the principles set forth in the Regulations in the Appendices Nos. 3 and 5.

XXII. The exemption from the payment of duty, as per Schedule (A), cannot be extended to any third country without a previous agreement on the matter between the two High Contracting Parties.

XXIII. Portugal reserves the right of granting to Brazil special advantages which Spain is not to have the right to claim, as a consequence of the fulfilment of the clauses of this Treaty.

XXIV. Portuguese products from Portuguese ports will not be subject in Spain to the surtaxes leviable in the special Schedule No. 4 of the Spanish Tariff in force, or to any other surtax that may be levied in future.

In the event of Portugal levying any surtaxes similar to those in the special Spanish Schedule, products coming from Spanish ports will not be subject thereto.

XXV. The general provisions of the Treaty and of its Appendices, as well as Schedules (A), (B), (C), (D), (E), and (F), shall come into force immediately after the ratification of this Treaty.

The provisions which will form the subject of special Regulations

will come into force as soon as the Governments of both countries shall approve the respective Regulations.

XXVI. The provisions of this Treaty are applicable, on the part of Spain, to her territory in the Peninsula and to the Balearic and Canary Islands; and, on the part of Portugal, to the Peninsula and to the Archipelagos of Madeira and the Azores.

XXVII. The present Treaty and its Appendices shall remain in force for ten years from the date of the exchange of ratifications, which is to be carried into effect as soon as possible.

At the expiration of this period, in case either of the High Contracting Parties shall not have given the other one year's previous notice of its wish to alter or modify the stipulations therein, the Treaty shall continue in force for successive periods of five years, until it shall be denounced, on the said previous notice of one year being given before the expiration of the period when it is to cease.

In testimony whereof the said Plenipotentiaries have signed this Treaty, and have affixed thereto the seals of their arms.

Done in Madrid, in duplicate, on the 27th March, 1893.

(L.S.) COUNT DE SAO MIGUEL.

(L.S.) EL MARQUÉS DE LA VEGA DE ARMIJO.

SCHEDULE (A).*

(Article VIII of Treaty of March 27, 1893.)

PRODUCTS of the Soil and Manufactured Articles which are free from Import, Export, and Transit Dues when conveyed by the common roads or railways on the frontier between Spain and Portugal, and likewise upon the rivers serving as a boundary between the two countries.

No.	Products or Manufactured Articles.	No. of Article.	
		Spanish Tariff.	Portuguese Tariff.
1	Marble, jasper, and alabaster, in the rough or smoothed, hammer-dressed, or prepared for being worked	1	92
2	Ditto, sawn	<i>ex</i> 2	93
3	Ordinary stones for building purposes, rough, smoothed, hammer-dressed, or prepared for being worked	<i>ex</i> 5	<i>ex</i> 94

* See Final Protocol, page 462.

No.	Products or Manufactured Articles.	No. of Article.	
		Spanish Tariff.	Portuguese Tariff.
4	Slates, rough	<i>ex</i> 5	<i>ex</i> 94
5	Ditto, in plates for roofs	<i>ex</i> 5	<i>ex</i> 94
6	Argilla or potter's clay and earth for industrial purposes and construction (except ochres and colouring earths)	<i>ex</i> 5	<i>ex</i> 94
7	Lime (except hydraulic lime)	<i>ex</i> 5	<i>ex</i> 94
8	Natural agricultural manure (except guano)	<i>ex</i> 251	<i>ex</i> 150
9	Ordinary timber, in branches or pieces with bark, or smoothed with a hatchet	<i>ex</i> 215	..
10	Fish, fresh, or slightly salted to secure preservation (except cod-fish)	291	350 and 352
11	Sardines, salted or pressed	<i>ex</i> 292	<i>ex</i> 352
12	Any other kind of fish, smoked, pressed, or pickled, except cod-fish or any fish preserved in tin boxes or in any other hermetically closed receptacle	292	351
13	Eggs	333	365
14	Geldings over the mark	229	3
15	Any other horses or mares	230	4
16	Mules	231	6
17	Asses	232	1
18	Oxen	233	8
19	Cows	234	8
20	Steers, heifers, calves	235	9
21	Swine	236	7
22	Goats	<i>ex</i> 237	2
23	Sheep	<i>ex</i> 237	5
24	Game, small, dead	<i>ex</i> 285	<i>ex</i> 356
25	Ditto, alive	<i>ex</i> 285	<i>ex</i> 11
26	Fresh meat, not more than 3 kilog. each time .. .. .	..	..
27	Bread, ditto .. .. .	..	..
28	Birds, alive	<i>ex</i> 285	<i>ex</i> 11
29	Ditto, dead	<i>ex</i> 285	<i>ex</i> 356
30	Milk in its natural state	<i>ex</i> 250	<i>ex</i> 12
31	Forage (except bran)	329	360
32	Fuel	<i>ex</i> 223	57
33	Vegetables and green pulse	304	359
34	Salt (common), chloride of sodium	110	145
35	Shell-fish	<i>ex</i> 293	349
36	Oysters	294	349
37	Elderberry	<i>ex</i> 93	<i>ex</i> 81
38	Wax, animal, rough, or crude, or cleaned	<i>ex</i> 125	<i>ex</i> 152
39	Mineral waters, natural	103	83
40	Coal .. .. .	..	87

(L.S.) COUNT DE SAO MIGUEL.

(L.S.) EL MARQUÉS DE LA VEGA DE ARMIJO.

SCHEDULE (B).*

(Article IX of the Treaty.)

List of Articles which will be allowed to pass freely on the Land Frontier between the two Countries and upon the Rivers which serve as the Boundary between them, subject to the formalities herein set forth.

1. AGRICULTURAL implements belonging to farmers owning land adjoining the frontier-line within a zone of 5 kilom. from any point in the line of division, and changing their place of residence from one country to the other within the said zone.

2. Agricultural implements sent temporarily from either country for the cultivation of property situated in the other within the zone in question.

3. The waggons for the carriage of the implements, and harness for use with the waggons.

Bags made of common thick materials and empty wooden casks sent from either country to the other for the purpose of reimportation with products of such other country, and also those returned after the contents have been withdrawn.

The following formalities shall be observed in order to secure the free transit of the above-mentioned articles:—

1. The farmers and land-owners must prove—by a certificate signed by the municipal authorities—that they are the owners or tenants of the land comprised within the zone above referred to, and of the agricultural implements to which the concessions refer.

2. The importation or exportation—that is, the transit from one country to the other—must take place through the points selected for the purpose by the Governments of both the contracting countries, which shall be the same both for import and export, and must be accompanied by correspondingly similar documents.

The Custom-houses of both countries are empowered to affix any marks to the receptacles, or other articles to which marks can be put, and which are mentioned in the foregoing concessions; and also to demand the payment of the customs dues, or a sufficient amount of security in case the merchandize or receptacle should not be returned to the country of origin within the periods which have already or may hereafter be fixed.

(L.S.) COUNT DE SAO MIGUEL.

(L.S.) EL MARQUÉS DE LA VEGA DE ARMIJO.

* See Final Protocol, page 462.

SCHEDULE (C).*

(Article X of the Treaty.)

SPANISH Products or Manufactured Articles which will be admitted into Portugal at the following Rates of Duty if imported directly by Sea.

Portuguese Tariff.	Nos. of Articles.	Articles.	Duties.		
			Units.	Reis.	Pesetas.
1		Asses	Head	2,160	12
2		Goats	"	430	2.40
3		Geldings over the mark	"	32,400	180
4		Other horses and mares	"	24,300	135
5		Sheep	"	430	2.40
6		Mules	"	14,400	80
7		Swine	"	3,600	20
8		Oxen	"	7,200	40
8		Cows	"	6,300	35
9		Steers, heifers, calves	"	4,500	25
ex 11		Game, small, alive	"	100	0.55
ex 11		Birds, alive	"	100	0.55
ex 12		Milk in its natural state.	100 kilog.	180	1
57		Fuel	1,000 kilog.	180	1
81		Elderberry	100 kilog.	1,800	10
83		Natural mineral waters, including glass bottles	"	5,000	27.78

92	Marble, jasper, alabaster, rough, smoothed, or hammer-dressed, or prepared for being worked	..	..	..	..	..	300	1.07
93	Ditto, cut or sawed, but unworked	..	..	..	..	..	2,160	12
94	Stones for building purposes, smoothed, hammer-dressed, or prepared for the purpose of being worked (except marble, jasper, and alabaster), slates in the rough or in plates for roofs, argilla and earthen used for industrial and building purposes, except ochres and colouring earthen, and lime, except hydraulic lime	..	..	..	..	..	9	0.05
145	Salt, common, chloride of sodium	..	..	..	..	..	800	4.40
ex 150	Natural agricultural manures (except guano)	..	..	..	..	..	20	0.10
ex 152	Wax, animal, crude, or cleaned	..	..	..	..	..	2,200	12.22
349	Oysters for oyster-beds, and other shell-fish	..	..	..	..	..	540	3
349	Ditto, other than the above	..	..	..	..	..	1,440	8
350 and 352	Fresh fish, or slightly salted for its preservation, including sardines, and excepting cod-fish	..	..	..	..	..	270	1.50
ex 352	Sardines, salted and pressed	..	..	..	..	..	360	2
351	Any other fish, dried, smoked, pressed, or pickled, except cod-fish and fish preserved in tin boxes or in other receptacles hermetically closed	..	..	..	..	..	360	2
ex 356	Game, small, dead	..	..	..	..	..	100	0.55
ex 356	Birds, dead	..	..	..	..	..	100	0.55
359	Vegetables and green pulse	..	..	..	..	..	540	3
360	Forage, except bran	..	..	..	..	..	360	2
365	Eggs	..	..	..	..	..	2,250	12.50

(L.S.) COUNT DE SAO MIGUEL.

(L.S.) EL MARQUÉS DE LA VEGA DE ARMIJO.

* See Final Protocol, page 462.

SCHEDULE (D).*

(Article XI of the Treaty.)

PORTUGUESE Products of the Soil or Manufactured Articles which will be admitted into Spain at the following Rates of Duty if imported directly by Sea.

Spanish Tariff.	Nos. of Articles.	Articles.	Duties.		
			Units.	Pesetas.	Reis.
1		Marble, jasper, alabaster, rough, smoothed, hammer-dressed, or prepared for being worked	100 kilog.	1 67	300
2		Ditto, cut or sawed, unworked	"	12	2,160
5		Stones for building, rough, smoothed, hammer-dressed, or prepared for being worked (except marble, jasper, and alabaster), slates, rough, or in plates for roofs, argilla and earths for industrial and building purposes, except ochres and colouring earths, lime, except hydraulic lime ..	"	0 20	36
93		Elderberry	"	10	1,800
103		Natural mineral waters	Hectol.	5	900
110		Salt (common), chloride of sodium	100 kilog.	4 40	800
125		Wax, animal, crude or clean	"	12 22	2,200
223		Fuel	1,000 kilog.	1	180
229		Geldings over the mark	Head	180	32,400
230		Any other horses or mares	"	135	24,300
231		Mules	"	80	14,400

232	Asses	..	..	..	..	..	12	2,160
233	Oxen	..	..	..	..	..	40	7,200
234	Cows	..	..	..	..	..	35	6,300
<i>bis</i> 234	Milch cows	..	..	..	..	..	25	4,500
235	Steers, heifers, calves	..	..	..	..	..	25	4,500
236	Swine	..	..	..	..	..	20	3,600
<i>ex</i> 237	Goats and sheep	..	..	..	..	..	2.40	432
<i>ex</i> 250	Milk in a natural state	..	..	..	..	..	1	180
<i>ex</i> 251	Natural manures for agriculture (except guano)	..	..	..	..	100 kilog.	0.05	9
285	Birds, live or dead, and small game	..	..	..	..	..	0.80	144
291	Fresh fish, or merely pickled with salt for its preservation, including sardines, and excluding cod-fish..	..	..	..	..	Kilog.	..	..
<i>ex</i> 292	Sardines, salted or pressed	..	..	..	..	100 kilog.	1.50	270
292	Any other fish, dried or smoked, pickled, except cod-fish and fish preserved in tin boxes or other receptacles hermetically closed	..	..	..	..	..	2	560
293	Oysters for culture and shell-fish	..	..	..	..	..	2	360
294	Ditto, others	..	..	..	..	..	3	540
304	Vegetables and green pulse	..	..	..	..	..	8	1,440
<i>ex</i> 329	Forage, except bran	..	..	..	..	..	3	540
333	Eggs	..	..	..	..	..	1	180
		..	..	..	..	..	12	2,160

(L.S.) COUNT DE SAO MIGUEL.

(L.S.) EL MARQUÉS DE LA VEGA DE ARMILLO.

* See Final Protocol, page 462.

SCHEDULE (E).

(Article XV of the Treaty.)

SPANISH Products of the Soil or Manufactured Articles upon which, when Imported into Portugal, no other or higher Duties will be imposed than those now levied, or which will be hereafter levied, on similar Products or Articles from another Country.

Nos. of Articles of Portuguese Tariff.	Products.
<i>Animal Raw Materials.</i>	
15	Wool, raw, in the grease, dark, including waste combings, dyed or not.
16	Ditto, raw, white.
17	Ditto, ditto, washed, dark.
18	Ditto ditto, washed, white.
19	Ditto, ditto, dyed.
20	Ditto, carded, white.
21	Ditto, combed, white.
22	Ditto, carded, dyed.
23	Ditto, combed, dyed.
26	Animal oils and fats (except lard, pigs'-grease, and margarine).
28	Hides and skins, raw or prepared, fresh, from the animals mentioned in Nos. 1 to 9 of the Tariff.
29	Ditto, ditto, raw or prepared, dried, of animals mentioned in Nos. 1 to 9 of the Tariff.
30	Ditto, ditto, cow-hides (vaquetas).
31	Ditto, ditto, tanned, including sole-leather.
32	Ditto, ditto, curried, varnished, and morocco leather.
33	Ditto, ditto, curried, not elsewhere specified.
<i>Vegetable Matters.</i>	
42	Staves.
44	Hoops of wood for casks.
45	Logs, rafters, rods, and boards.
48	Charcoal.
49	Cork-tree bark.
52	Cork, in the rough, cleaned, or prepared.
58	Flax and hemp, raw.
59	Ditto, ditto, heckled.
62	Wood, common, in beams, small beams, and planks of a thickness above 75 millim. and a minimum width of 25 centim.
63	Ditto, ditto, sawn into boards and laths, with a thickness of from 35 to 75 millim. inclusive.
64	Ditto, ditto, ditto, with a thickness of from 15 to 35 millim.
65	Ditto, ditto, ditto, with a thickness of less than 15 millim.
66	Wood or timber for ships' masts.
69	Oil, sesamum, earth-nut, and any others that may serve as a substitute for comestible oils.
72	Oil of sweet almonds.

Nos. of Articles of Portuguese Tariff.	Products.
<i>Minerals.</i>	
85	Cement and gypsum.
87	Coal.
88	Coke and briquettes.
94	Mineral products not otherwise specified, unwrought.
95	Mineral ores, lead.
96	Ditto, not specified.
97	Mineral oils, light, for illuminating purposes.
98	Ditto, medium.
99	Ditto, heavy, for lubricating machines, and mineral substances and their products not otherwise specified.
<i>Metals.</i>	
101	Steel wire.
103	Ditto, cast and rolled, not otherwise mentioned, including rails and materials for the same.
105	Lead, cast, crude, or in scrap.
106	Ditto, rolled, or in wire.
108	Copper, pure, brass, bronze, and similar alloys hammered or rolled in unfinished pans.
110	Ditto, ditto, hammered or rolled, cast, or scrap.
113	Tin, alloys of, for soldering.
114	Iron, hammered or rolled, unwrought, including rails and accessory materials.
115	Ditto, hammered, tinned (tin-plates), galvanized, coated with zinc or lead.
116	Ditto, hammered or rolled, tinned, galvanized, coated with zinc or lead, stamped, or painted.
117	Ditto, cast and scrap.
118	Iron wire, plain, polished, galvanized, coated with zinc, or prepared in any other way.
119	Quicksilver.
128	Zinc, cast, rolled, crude, or scrap.
129	Metals not otherwise mentioned, crude.
<i>Chemical Products.</i>	
149	Acids, fatty, not otherwise mentioned, and refined olein and paraffin.
153	Colours and dyes, in powder or pieces, not prepared (gross weight).
156	Printing ink or paste.
157	Lamp black (gross weight).
160	Candle wicks, braided.
<i>Wool.</i>	
161	Yarn, not wound for embroidery, white.
162	Ditto, ditto, dyed or printed.
163	Yarn, not otherwise mentioned, unbleached or bleached.
164	Ditto, ditto, dyed or printed.
165	Blankets.
166	Shawls and handkerchiefs.
168	Ribbons and galloons, including interior packages, excepting paste or cardboard boxes or wooden boxes.
169	Carpets, rugs, and stair-carpets, unfinished, for dyeing or printing.

Nos. of Articles of Portuguese Tariff.	Products.
170	Carpets, rugs, and stair-carpets, unfinished, dyed or printed.
171	Tissues, not specified, not sized, for dyeing or printing, weighing to the square metre 300 grammes or less.
172	Tissues, not specified, weighing to the square metre 300 grammes or less.
173	Tissues, not specified, not sized, for dyeing or printing, weighing more than 300 grammes to the square metre.
174	Tissues, not specified, weighing more than 300 grammes to the square metre.
175	Tissues, made up, not otherwise specified.
176	Woollen hosiery and knitted goods.
<i>Silk.</i>	
179	Yarn, twisted or braided, including interior packages, excepting boxes of cardboard or pasteboard, or of wood.
180	Ditto, twisted, not otherwise mentioned.
181	Shawls.
182	Ribbons and galloons, pure or mixed, including interior packages, but excepting boxes of card or pasteboard, and of wood.
183	Handkerchiefs of pure silk, as well as those having the whole weft or warp of silk, or a combination of both, in the latter case the silk threads predominating in the tissue.
184	Bolting cloth.
185	Plush, pure or mixed, for men's hats.
186	Ditto, not elsewhere specified, velvets, satins, and similar tissues, pure or mixed.
187	Tissues of pure silk not mentioned elsewhere.
188	Ditto, not otherwise specified, having the whole weft or the whole warp of silk, or a combination of both, in the latter case the silk threads predominating in the tissue.
189	Ditto, not specified, containing silk threads in less quantity than those mentioned in the preceding No.
190	Tissues of silk, pure or mixed, made up in cravats or mantillas.
191	Ditto, made up in wares not especially mentioned.
192	Knitted tissues and hosiery.
<i>Cotton.</i>	
193	Yarn, single, unbleached, Nos. 1 to 40.
194	Ditto, ditto, Nos. 41 to 60.
195	Ditto, ditto, Nos. 61 to 100.
196	Ditto, ditto, No. 101 and above.
197	Ditto, single, bleached, Nos. 1 to 40.
198	Ditto, ditto, Nos. 41 to 60.
199	Ditto, ditto, Nos. 61 to 100.
200	Ditto, ditto, No. 101 and above.
201	Ditto, single, dyed or printed, Nos. 1 to 40.
202	Ditto, ditto, Nos. 41 to 60.
203	Ditto, ditto, Nos. 61 to 100.
204	Ditto, ditto, No. 101 and above.
205	Ditto, twisted, unbleached, Nos. 1 to 40.
206	Ditto, ditto, Nos. 41 to 60.

Nos. of Articles of Portuguese Tariff.	Products.
207	Yarn, twisted, unbleached, Nos. 61 to 100.
208	Ditto, ditto, No. 101 and above.
209	Ditto, twisted, bleached, Nos. 1 to 40.
210	Ditto, ditto, Nos. 41 to 60.
211	Ditto, ditto, Nos. 61 to 100.
212	Ditto, ditto, No. 101 and above.
213	Ditto, twisted, dyed or printed, Nos. 1 to 40.
214	Ditto, ditto, Nos. 41 to 60.
215	Ditto, ditto, Nos. 61 to 100.
216	Ditto, ditto, No. 101 and above.
217	Ditto, twisted, of whatever number or quality, wound on reels, in hanks, or cards, or prepared in any other manner for retail sale, including interior packages.
218	Nankeens, counterpanes, and moleskins of cotton, unbleached or bleached, even when containing waste or floss silk.
219	Ditto, ditto, dyed or printed, even when containing waste or floss silk.
220	Bombazines and velveteens.
221	Bobbin net, fine tulle, gauze, and similar tissues, unbleached or bleached.
222	Ditto, ditto, dyed or printed.
223	Ticks, coarse cloth, holland, and sail-cloth, not mentioned, unbleached or bleached.
224	Ditto, ditto, dyed or printed.
225	Muslins and cambrics, unbleached.
226	Ditto, ditto, bleached.
227	Ditto, ditto, dyed or printed.
228	Shawls and hankerchiefs.
229	Tulle, common, marly, canvas, and similar tissues.
230	Ribbons and galloons, including interior packages, excepting boxes of card and pasteboard, and of wood.
231	Lace, insertions and edgings, unbleached or bleached.
232	Ditto, ditto, dyed or printed.
233	Serges and crapes, unbleached, unsized, for printing or dyeing.
234	Ditto, ditto, bleached, unsized, for printing or dyeing.
235	Carpets, rugs, and stair-carpets.
236	Tissues, close-woven, plain, unbleached, not elsewhere mentioned, the weight being 18 kilog. or more per 100 square metres, containing in warp or weft 34 threads or less to the square metre.
237	The said tissues containing in warp or weft 35 threads or more to the square centimetre.
238	Tissues, close-woven, plain, unbleached, not elsewhere mentioned, the weight being from 12 to 18 kilog. per 100 square metres, containing in warp or weft 34 threads or less to the square metre.
239	The same tissues containing in warp or weft 35 threads or more to the square centimetre.
240	Tissues, close-woven, plain, unbleached, not elsewhere mentioned, the weight being from 5 to 12 kilog. per 100 square metres, containing in warp or weft 34 threads or less to the square centimetre.
241	The same tissues containing in warp or weft 35 threads or more to the square centimetre.

Nos. of Articles of Portuguese Tariff.	Products.
242	Tissues, close-woven, plain, unbleached, not elsewhere mentioned, the weight being up to 5 kilog. per 100 square metres, containing in warp or weft 34 threads or less to the square centimetre.
243	The same tissues containing in the warp or weft 35 threads or more to the square centimetre.
244	Tissues, close-woven, plain, bleached, not elsewhere mentioned, the weight being 18 kilog. or more per 100 square metres, containing in warp or weft 34 threads or less to the square centimetre.
245	The same tissues containing in warp or weft 35 threads or more to the square centimetre.
246	Tissues, close-woven, plain, bleached, not elsewhere mentioned, the weight being from 12 to 18 kilog. per 100 square metres, containing in warp or weft 34 threads or less to the square centimetre.
247	The same tissues containing in warp or weft 35 threads or more to the square centimetre.
248	Tissues, close-woven, plain, bleached, not elsewhere mentioned, the weight being from 5 to 12 kilog. per 100 square metres, containing in warp or weft 34 threads or less to the square centimetre.
249	The same tissues containing in warp or weft 35 threads or more to the square centimetre.
250	Tissues, close-woven, plain, bleached, not elsewhere mentioned, the weight being 5 kilog. or less per 100 square metres, containing in warp or weft 34 threads or less to the square centimetre.
251	The same tissues containing in warp or weft 35 threads or more to the square centimetre.
252	Tissues, close-woven, plain, bleached, sized, such as shirtings, Britain cloth, and including interior packages.
253	Damasks and satins, twilled or serge-woven, open, transparent, or close-woven, not elsewhere mentioned, unbleached or bleached.
254	The same tissues dyed or printed.
255	Velvety tissues and velvets, unbleached or bleached, for dyeing or printing.
256	The same tissues dyed or printed.
257	Small wares, such as collars and cuffs for men, including interior packages.
258	Tissues made up in articles not specially mentioned.
259	Knitted tissues and hosiery.

Linen and similar Substances.

260	Yarn of flax or hemp, single, unbleached, Nos. 1 to 50.
261	Ditto, ditto, ditto, No. 51 and above.
262	Ditto, ditto, single, dressed or bleached, Nos. 1 to 50.
263	Ditto, ditto, ditto, No. 51 and above.
264	Ditto, ditto, single, dyed or printed, Nos. 1 to 50.
265	Ditto, ditto, ditto, No. 51 and above.
266	Ditto, ditto, single, twisted, unbleached, bleached, or dyed.
267	Yarn for coarse tissues, up to No. 12, of tow, of flax or hemp, single, or mixed with other vegetable fibres, not mentioned, dry, spun, unbleached.
268	The same yarn bleached or creamed.
269	Ditto, dyed or printed.

Nos. of Articles of Portuguese Tariff.	Products.
270	Yarn of jute or other vegetable fibres not otherwise mentioned, unbleached.
271	Ditto, ditto, bleached or creamed.
272	Ditto, dyed or printed.
273	Damask tissues for table linen and drills.
274	Packing cloth and coarse cloth, dyed or printed.
275	Ditto, ditto, of jute.
276	Ditto, ditto, of linen or jute, containing linen or hemp.
277	Muslins and cambrics, unbleached or bleached.
278	Ditto, ditto, dyed or printed.
279	Shawls and handkerchiefs.
280	Tulle, fine, bobbinet tulle, gauze, and similar tissues, unbleached or bleached.
281	The same dyed or printed.
282	Ribbons and galloons, including interior packages.
283	Canvas and sail-cloth.
284	Marly, ticks, and similar tissues.
285	Lace, insertions and edgings.
286	Carpets, table-covers, rugs, and stair-carpets.
287	Velvety tissues, plushes, and velvets.
288	Tissues not otherwise mentioned, unbleached or bleached.
289	Ditto, ditto, dyed or printed.
290	Small wares (men's collars, cuffs, &c.), including interior packages.
291	Tissues made up in articles not specially mentioned.
292	Knitted tissues and hosiery.
293	Travelling bags and coverlets.
295	Caoutchouc or gutta-percha in waterproof or elastic silk tissues.
296	Ditto, ditto, in woollen tissues.
297	Ditto, ditto, in cotton or linen tissues.
298	Felts, in sheets, unbleached or bleached, to be printed or dyed.
299	Ditto, dyed or printed.
300	Felts with floss silk, or varnished.
301	Felt carpets, mats, and stair-carpets.
302	Felts, in sheets, of hair mixed with tar, even if containing vegetable substances.
305	Woollen haberdashery of any kind, pure or mixed, including interior packages, except boxes of cardboard, pasteboard, or wood.
306	Silk haberdashery of any kind, pure or mixed, &c., as in foregoing number.
307	Cotton haberdashery, &c., as in No. 305.
308	Linen haberdashery, &c., as in No. 305.
309	Haberdashery combined with gold or silver.
310	Tissues, tarred, and imitations thereof.
311	Tissues, embroidered, except with gold or silver.
312	Tissues containing gold or silver threads (embroidered or not).
313	Tissues of horse-hair.
314	Tissues, tarred, and imitations thereof; tissues combined with caoutchouc or gutta-percha; tissues of horse-hair or felt worked up in articles not elsewhere mentioned.
<i>Beverages.</i>	
315	Brandy and alcohol, plain, in casks or demijohns.
316	Ditto, ditto, in bottles, jars, or similar receptacles.

Nos. of Articles of Portuguese Tariff.	Products.
317 319	Alcoholic beverages not specially mentioned. Beer.
<i>Cereals.</i>	
323	All cereals in the grain not otherwise mentioned.
324	Wheat flour.
325	Flour of other cereals.
326	Maize in the grain.
327	Wheat in the grain.
<i>Farinaceous Substances.</i>	
328	Alpiste, millet, and other farinaceous substances not otherwise mentioned.
329	Starch in powder, feculæ, and dextrine.
330	Starch in pieces or prepared in powder.
331	Rice.
332	Potatoes.
333	Biscuits and sea-biscuit.
334	Bread of all kinds of cereals.
336	Flour for soup, and flour not otherwise specified.
338	Pastes for soup.
<i>Colonial Produce.</i>	
339	Sugar refined by the Portuguese method, and sugar superior to No. 20 Dutch standard.
340	Sugar not otherwise mentioned.
341	Cocoa and husks thereof.
342	Coffee, husked or not, and chicory roots not prepared.
343	Coffee, roasted, ground, and substitutes thereof, also chicory roots prepared in whatever form, including interior packages.
345	Chocolate.
346	Spices not specially mentioned.
347	Molasses and similar products.
<i>Sundry Articles.</i>	
353	Olive oil (gross weight).
354	Lard and dripping or grease.
355	Beef, dried, salted, or not.
356	Meat not specially mentioned, fresh, dried, or prepared in any way, bacon.
357	Alimentary preserves, including interior packages.
358	Sweetmeats of any kind, including interior packages.
361	Fruits, fresh or dried, not elsewhere mentioned.
362	Butter, natural.
364	Honey.
366	Pimento.
367	Cheese.
368	Grapes, fresh.
<i>Apparatus, Instruments, Machinery, and Implements.</i>	
373	Reaping, mowing, and threshing machines, machines for compressing hay and straw, steam-ploughs, and, separate parts of these machines, and plough-shares.

Nos. of Articles of Portuguese Tariff.	Products.
378	Transmission belts of leather for machinery.
379	Copper cylinders, engraved, for printing.
380	Ditto, not engraved, for printing.
381	Steam generators.
386	Instruments, implements, and tools for the arts, manufactures, agriculture, &c.
404	Fishing-nets.
<i>Arms.</i>	
421	Side-arms, complete, or parts thereof.
423	Barrels for portable fire-arms.
424	Guns, single-barrelled, muzzle-loading, complete or not.
425	Guns of more than one barrel, muzzle-loading, complete or not.
426	Guns, breech-loading, complete or not.
427	Revolvers, complete or not, and pistols.
428	Detached parts of portable fire-arms (except barrels).
<i>Manufactures of Animal Products.</i>	
433	Gloves of leather, finished or not, up to 30 centim. in length.
434	Ditto, ditto, above 30 centim. in length.
438	Hides and leather, manufactured, not otherwise mentioned, including ornaments and trimmings.
<i>Manufactures of Sundry Vegetable Products.</i>	
443	Cork, manufactured.
444	Wood, manufactured into furniture or other articles, turned, carved, veneered, polished, or varnished, upholstered, except with tissues of silk or leather.
445	Wood, manufactured into furniture or other articles, lacquered, gilt, inlaid, combined with fine wood, with ornaments of metal, and upholstered with leather or tissues containing silk.
446	Wood, manufactured in small wares for decoration, turned, carved, gilt, inlaid, &c., and all articles of furniture not elsewhere mentioned, except those of metal.
447	Wood, sawn, and prepared for wares not otherwise mentioned.
448	Wood, common, sawn, and prepared for parquetry.
449	Wood, sawn and prepared for boxes of all kinds, and for all other wares not specially mentioned.
<i>Manufactures of Mineral Products.</i>	
453	Earthenware, fine stoneware, and faïence.
454	Common stone.
455	Porcelain.
456	Mosaics, tiles, or bricks, glazed, painted, or ornamented.
457	Mineral products in manufactures not specially mentioned.
458	Ceramic products not otherwise mentioned.
459	Glass, common, black or dark green, in bottles or demijohns of any size, common glass, chestnut colour or dark yellow, in bottles or demijohns holding not less than 7 decilitres, and common glass of any other colour (except white), in bottles and demijohns holding more than 1 litre.

Nos. of Articles of Portuguese Tariff.	Products.
460	Glass, common, of any colour except white, in vessels not otherwise mentioned.
461	Plate glass, polished, not silvered.
462	Ditto, ditto, silvered.
463	Lamp chimneys.
464	Glass, in plates, not polished, and all other manufactures of glass not otherwise mentioned.
<i>Manufactures of Metal.</i>	
465	Steel wire, grooved on one side, for umbrella and parasol frames, without ornaments or accessories.
466	Steel wire, round, for umbrella and parasol frames, without ornaments or accessories.
467	Springs for vehicles, of rolled steel.
468	Steel cutlery, scissors, including interior packages.
469	Ditto, not elsewhere mentioned, including interior packages.
470	Steel manufactures not elsewhere mentioned.
471	Pins, clasps, hair-pins, and needles, except those of gold, platinum, or silver, including interior packages.
472	Apparatus, fixed or not, for railway stations, &c.
473	Lead, manufactured.
474	Taps, or spigots and valves of pure copper, brass, bronze, and similar alloys.
475	Tubes of pure copper, brass, bronze, and similar alloys.
476	Articles not specially mentioned of pure copper, brass, bronze, and similar alloys.
477	Tin, manufactured.
478	Iron, cast, in tubes.
479	Ditto, ditto, in articles not otherwise mentioned, rough.
480	Ditto, ditto, ditto, painted or polished, gilt, silvered, varnished, enamelled, coated with tin, zinc, or copper.
481	Iron, wrought or rolled, in tubes simple, without screws, grooves, or joints, or otherwise wrought.
482	Ditto, ditto, tinned, galvanized, coated with zinc, lead, or otherwise, in tubes simple, without screws, grooves, or joints.
483	Ditto, ditto, in chains, cables, ropes, or anchors.
484	Ditto, ditto, in articles not specially mentioned, rough.
485	Ditto, ditto, in articles not specially mentioned, combined with tin, plate, or coated with tin, copper, or zinc.
486	Ditto, ditto, in articles not specially mentioned, painted, polished, turned, gilt, silvered, varnished, or enamelled.
487	Articles of iron wire.
488	Fixed material for railways not otherwise mentioned of wrought or rolled iron or steel.
489	Articles of metal not elsewhere mentioned.
494	Nails of copper, brass, and similar alloys, and of iron, including those with heads of brass and similar alloys.
495	Nails not elsewhere mentioned.
496	Zinc, rolled, moulded, stamped, perforated, or not.
497	Articles of zinc not elsewhere mentioned.
<i>Paper and Printed Matter, Lithographs, Paintings, &c.</i>	
499	Cardboard.
500	Pasteboard.

Nos. of Articles of Portuguese Tariff.	Products.
501	Cardboard cut for tickets of all kinds, for photographs, and for similar uses.
502	Articles of card and pasteboard, except cardboard boxes.
503	Playing cards.
512	Writing paper, white or coloured, of all kinds.
513	Printing paper, common (ordinary paper for journals), albumenized paper, paper for lithographing called "couchi," and sensitized paper for photography.
514	Paper, painted or printed by any process.
515	Paper not otherwise mentioned.
519	Envelopes and paper bags.
<i>Miscellaneous.</i>	
523	Trunks, valises, bags, and game bags.
528	Bonnets, caps, and berrets.
529	Buttons, of porcelain or glass.
530	Buttons, not elsewhere mentioned, of whatever quality, except those of gold, silver, or platinum, and trimmings, including interior packages.
531	Boots and shoes, of pure or mixed silk tissues.
532	Ditto, ditto, of leather, also top boots and leggings of leather, the legs being more than 30 centim. in height.
533	Ditto, ditto, not elsewhere mentioned, with leather soles.
534	Ditto, ditto, not mentioned in the preceding numbers.
535	Mats and matting of all kinds, even with warp of another filament, or with woollen trimmings.
536	Pocket-books, cigar-cases, and purses, except those of gold, silver, or platinum.
538	Shapes for caps, helmets, or hats of any kind.
539	Hats of straw, and imitations thereof, not trimmed.
540	Ditto, ditto, trimmed, for women.
541	Hats, of silk plush, for men.
542	Hats not otherwise mentioned, for men.
543	Ditto, ditto, for women.
544	Linings and trimmings of all kinds for hats.
547	Cordage, cables, hawsers, and ropes (except those of metal), twine, packing thread, sail twine, marline, and plumb-lines.
551	Mirrors, including the frames (except those of precious metals), of plate glass, with a superficies of less than 1,200 square centim.
552	Mirrors not specially mentioned, including the frames (except those of special metals).
561	Fireworks (gross weight).
564	Shoe blacking (including interior packages).
566	Fans of all kinds.
572	Oil cloth for flooring.
573	Ditto, not otherwise mentioned.
574	Ditto, articles.
575	Perfumery of all kinds, including interior packages.
577	Small wares not specially mentioned, such as games of every description (except billiard tables and accessories), whips and riding-whips, toys, pipes, and cigar-holders (with or without cases), snuff-boxes, masks, hour-glasses, pocket compasses, cages, razor-strops, feather dusters, night lamps, chaplets, and all other similar articles not specially mentioned (except those of gold, silver, or platinum), including interior packages.

Nos. of Articles of Portuguese Tariff.	Products.
578	Soap.
579	Toilet soap.
583	Writing ink, including interior packages.
584	Paints, prepared, liquid, or in lumps, in receptacles weighing more than 100 grammes.
585	Ditto, ditto, weighing less than 100 grammes.
587	Wicks not otherwise mentioned.
588	Umbrellas and parasols covered with silk.
589	Ditto, ditto, covered with other tissues.
590	Candles of all kinds.
591	Varnishes made with alcohol or ether.
592	Varnishes not elsewhere specified.

(L.S.) COUNT DE SAO MIGUEL.

(L.S.) EL MARQUÉS DE LA VEGA DE ARMIJO.

SCHEDULE (F).

(Article XIV of the Treaty.)

(Translation.)

PORTUGUESE Products of the Soil and Manufactured Articles which, when Imported into Spain, will not be subject to other or higher Duties than those already imposed, or which may hereafter be imposed on similar Articles from another Country.

Nos. of Articles of Spanish Tariff.	Products.
3	Marble, jasper, and alabaster, in sculpture, bas-relief, flower vases, ornamental vases, and similar articles for house decoration.
4	Ditto, ditto, worked up and chiselled into any other kind of object.
7	Tar, pitch, and unrefined creosote, mineral oils and asphalte, bitumen and shale.
10	Ores.
11	Common or ordinary hollow glass ware.
12	Crystal and glass imitating it.
13	Glass and crystal, in plates and sheets.
14	Ditto, ditto, silvered.
15	Ditto, ditto, in statuettes, large vases, flower vases, and other similar articles, for toilet purposes and house decoration, liqueur cases, dessert plates, and glasses for spectacles and watches.
16	Clay, in bricks, squares, and tiles, for building purposes, furnaces, &c.
17	Clay, in large and small paving tiles, tiles of coloured faience, varnished tiles, and piping.

Nos. of Articles of Spanish Tariff.	Products.
18	Faïence, wares of fine clay, and statuettes of gypsum.
19	Porcelain.
20	Clay, faïence, and porcelain, in figures, vases, bas-relief, flower vases, and ornaments for toilet tables, houses, and for other similar uses, liqueur cases, and dessert plates.
21	Gold, in jewellery or plate, even set with pearls or precious stones, also precious stones, pearls, large and small, set or not.
22	Silver, in jewellery or plate, even set with pearls or precious stones.
23	Gold, silver, or platinum, worked into other objects.
24	Cast iron, in pigs, and old iron.
25	Ditto, in columns, without any work of adjusting or polishing, and in tubes exceeding 10 millim. in thickness.
26	Ditto, in tubes of less than 10 millim. in thickness.
28	Ditto, in common manufactures.
29	Ditto, in fine manufactures, <i>i.e.</i> , polished, enamelled with a coating of porcelain, or with ornaments of other metals.
35	Wrought iron, in tyres and wheels, weighing more than 100 kilog., for locomotives and railway carriages, fish-plates, chairs, and sleepers, straight axles, and springs.
36	Wrought iron wheels of 100 kilog. or less for carriages and trucks.
37	Ditto axles, cranked, and winches.
38	Ditto and steel in sheets of a thickness of 3 millim. or more.
39	Ditto, ditto, in sheets less than 3 millim. in thickness, and hoop iron.
40	Ditto in sheets, cold-rolled, corrugated or perforated, galvanized or not.
41	Ditto and steel in pieces in the rough, neither turned nor adjusted or polished, weighing 25 kilog. or more.
42	Ditto, ditto, in pieces, weighing less than 25 kilog., and horse-shoes.
43	Wrought iron tubes, soldered and closed, and galvanized tubes of all kinds.
44	Ditto, plated with brass.
45	Ditto, bored, not soldered, and other kinds not mentioned.
48	Ditto nails, screw nails, with grooved heads, pegs, and tacks.
49	Ditto, in files, and other fine tools for artists and artisans.
56	Ditto and steel, in large pieces made of bar iron or of bar and sheet iron, secured together by means of bolts or rivets, and the same unriveted, bored, and cut to measure for bridges, frames and other buildings, water-tanks, and similar manufactures of iron for industrial purposes, and frames for railway carriages and trucks.
57	Iron in all kinds of manufactures, common, in which sheet iron predominates, also coated with lead, tin, or zinc, and painted or varnished.
58	The same manufactures, fine, <i>i.e.</i> , polished, coated with porcelain, or with ornaments of other metals, also bedsteads of iron tubes plated with brass.
59	Iron in other common manufactures in which sheet iron does not predominate, also coated with lead, tin, or zinc, and painted or varnished.

Nos. of Articles of Spanish Tariff.	Products.
60	The same manufactures finished, <i>i.e.</i> , polished, coated with porcelain, or with ornaments of other metals.
62	Tin plate, manufactured.
64	Knives, carving-knives, pocket-knives, razors, and pen-knives.
65	Tailors' scissors.
71	Copper of first fusion and old copper.
72	Copper and brass in bars and ingots, and old brass.
79	Copper, bronze, or brass, worked, and all alloys of common metal in which copper enters in hardware, also varnished.
85	All other metals and alloys not mentioned, in sheets, lumps, nails, tubes, &c.
86	Ditto, ditto, manufactured, varnished or not.
88	Cocoa-nut and palm oils, and other heavy oils.
89	Other vegetable oils, except olive oil.
90	Dye-woods and tannery bark.
91	Rape, flax, and other oleaginous plants, including copra or cocoa-nut.
92	Colophony, pitch, and other similar resinous products.
94	Animal products employed in medicine.
95	Ochres and natural earths for painting, including alumina.
96	Indigo and cochineal.
104	Alkaloids and their salts.
107	Alkaline carbonates, caustic alkalies, and ammoniacal salts, except sulphate.
118	Pills, capsules, jujubes, and the like.
119	Pharmaceutical products not specified.
120	Chemical products not specified.
122	Fecula for industrial uses and dextrine.
123	Common soap.
127	Perfumery and essences.
129	Raw cotton, with or without seed.
130	Cotton, spun, and yarn, twisted, in one or two threads, unbleached, bleached, or dyed, up to No. 35 inclusive.
131	The same from No. 36 upwards.
132	The same twisted, with three or more threads, unbleached, bleached, or dyed.
133	Close woven tissues, plain, unbleached, bleached, or dyed, in pieces or handkerchiefs, up to 25 threads inclusive.
134	Ditto, ditto, from 26 threads upwards.
135	Ditto, ditto, printed, and those twilled and worked in the loom, up to 25 threads inclusive.
136	Ditto, ditto, from 26 threads upwards.
142	Crochet lace, made by hand or in the loom.
143	Hosiery, piece goods, jerseys, and drawers.
144	Ditto, in stockings, socks, gloves and other articles.
146	Flax, raw or hackled.
148	Yarn of Manila hemp, jute, aloe, and other fibres not mentioned up to No. 12 inclusive.
149	Yarn of hemp, flax, or ramie, up to No. 20 inclusive, and jute yarns No. 13 and above.
150	Ditto, ditto, from No. 21 and above.
151	Threads, twisted, of two or more ends.
152	Cordage.
153	Plain tissues of hemp and flax, either mixed or not with cotton, up to 10 threads inclusive.
154	Ditto, ditto, from 11 to 24 threads inclusive.

Nos. of Articles of Spanish Tariff.	Products.
155	Plain tissues of hemp and flax, either mixed or not with cotton, from 25 threads and above.
156	Ditto, ditto, twilled or diapered.
157	Lace.
163	Wool, unwashed.
164	Ditto, washed.
165	Ditto, combed and prepared for spinning, unbleached carded wool, and waste wool from carding resulting from the working up of rags, unbleached or dyed.
166	Ditto, combed or carded, dyed.
172	Ditto, blankets, pure or mixed with other materials.
173	Cloths and all other similar tissues of pure wool, hair, or waste wool.
174	Such tissues when either the warp or weft is wholly of cotton or other vegetable fibre.
175	Hosiery, whether mixed or not with cotton or other vegetable fibres.
176	All other tissues of pure wool, hair, or waste wool.
177	Similar tissues when either the warp or weft is wholly of cotton or other vegetable fibre.
180	Silk in cocoons, cocoon waste, and silkworm's eggs.
181	Ditto, raw and spun, but not twisted.
182	Ditto, twisted, unbleached.
183	Ditto, ditto, dyed.
184	Ditto, waste, combed or carded.
185	Ditto, spun, but not twisted.
186	Ditto, twisted, of two or more ends.
187	Ditto, ditto, dyed.
188	Silk tissues, plain or twilled.
194	Tissues of silk or waste silk, with the warp or weft wholly of wool or hair.
195	Ditto, ditto, with the warp or weft wholly of cotton or other vegetable fibres.
196	Pulp for paper.
197	Paper, endless, white or coloured, not cut, the weight of which does not exceed 35 grammes per square metre.
198	Ditto, ditto, weighing from 36 to 50 grammes per square metre.
199	Ditto, ditto, weighing 51 grammes and more per square metre.
200	Paper, endless, white or coloured, of whatever weight, cut; hand-made paper, pencil or ink ruled, paper, and envelopes.
201	Books, bound or unbound, and other printed matter in Spanish.
202	Ditto, ditto, in foreign languages.
203	Engravings, maps, and drawings.
205	Paper, printed on natural ground.
206	Ditto, ditto, on dull or glazed ground.
207	Ditto, with gold, silver, wool, or glass.
210	Other paper not specially mentioned.
213	Pasteboard in sheets, and pasteboard boxes, with ornaments, or lined with fine paper or other materials.
215	Ordinary wood in boards, deals, rafters, beams, and rounded poles, and timber for ship-building.
216	Ordinary wood, planed or dovetailed for boxes and floorings.
217	Fine wood for cabinet makers, in boards, deals, trunks, or logs.

Nos. of Articles of Spanish Tariff.	Products.
218	Fine wood for cabinet makers, sawn or in veneers.
219	Coopers' wares, fitted together or not.
220	Ordinary wood manufactured into any kind of article, turned or not, painted or varnished, but not carved, chiselled, or inlaid, and buttons, carved and varnished, or prepared for gilding.
221	Fine wood manufactured into furniture and other wares, turned, polished, or varnished, and the same wares of common wood veneered with fine wood, furniture of bent wood, and furniture covered with stuffs, except with silk, mixed silk, or leather, but not carved or sculptured.
223	Charcoal, fire-wood, and other vegetable combustibles.
224	Cork.
226	Esparto, unmanufactured.
227	Rushes, vegetable hair, soft rushes, twigs, fine straw, palm, and other analogous materials, unmanufactured.
228	Baskets, waggonettes for children, and other similar articles of twigs, straw, and soft rushes.
228 A	Sewing- or work-boxes made of the materials previously mentioned, or others, irrespective of their weight.
228 B	Manufactured articles of twigs, straw, soft rushes, and articles made of rushes, vegetable hair, palm, and similar articles.
238	Skins and hides, untanned.
239	Varnished leather and calf-skins, tanned or curried.
240	Other hides, tanned or curried, including sole leather.
244	Gloves made from skins of animals.
245	Boots and shoes.
250	Animal fats.
253	Intestines.
254	Animal remains, unmanufactured, not mentioned.
262	Weighing machines.
263	Agricultural machines.
264	Motors of all kinds, with or without boilers, and boilers imported separately.
265	Locomotives, traction and machine engines with their boilers, and such boilers imported separately.
272	Coaches and Berlins of four seats, and light carriages with two tableros and boxes, with or without hoods, new, used, or repaired.
273	Berlins of two seats, with or without folding-seats, omnibuses with more than fifteen seats and diligences, new, used, or repaired.
274	Four- or two-wheeled carriages without tableros, covered or uncovered, regardless of the number of seats, omnibuses up to fifteen seats, and carriages not enumerated in the above headings, new, used, or repaired.
277	Tramway carriages of all kinds, and finished wooden parts.
278	Carts and hand-carts.
301	Maize.
303	Pulse.
305	Fruit.
307	Cocoa of all kinds, in bean.
309	Coffee in the bean.
311	Ceylon cinnamon and its like.
313	Cloves.

Nos. of Articles of Spanish Tariff.	Products.
317	Tea.
319	Olive oil.
320	Alcohol and brandy.
322	Beer and cider.
328	Seeds not mentioned, and carob beans.
330	Alimentary preserves, pork butcher's produce, and sauces.
332	Sweetmeats.
334	Pastes for soup, alimentary feculæ, bread, and ship biscuits.
335	Cheese.
336	Honey and molasses.
349	Cases of fine woods, leather, and those lined with silk and other similar articles, with or without fillings for writing, sewing, and toilet purposes, or to contain perfumery, liquids, or comestibles.
350	The same of common woods, cardboard, wicker, and the like, with or without the fittings for the aforesaid purposes.
351	Artificial flowers of stuffs, and petals, buds, leaves, &c., of any kind of material for their manufacture.
352	India-rubber and gutta-percha, unmanufactured.
364	Oil paintings.
365	Straw hats and bonnets.
366	Other sorts of hats and bonnets, trimmed and finished.
367	Hat shapes, not blocked or trimmed, and caps.
368	Hats and bonnets, of all kinds and of any material, with milliners' work.
369	Elastic tissues, with admixture of other materials.

(L.S.) COUNT DE SAO MIGUEL.

(L.S.) EL MARQUÉS DE LA VEGA DE ARMIJO.

Appendix No. 1.

Bases with reference to the Trade by the Common Roads on the Land Frontier between Portugal and Spain.

(Translation.)

1. THE Governments of both countries engage to modify, as far as possible, the establishment and regulation of their respective Custom-houses, the fiscal posts and lines of fiscal supervision on the land frontier, in order that both the Portuguese and Spanish Customs Departments shall act in accordance with each other, and mutually assist each other in the interest of the public service in the two States and of the trade of the two countries.

In order to attain this end, the frontier Custom-houses of both countries and their fiscal posts should be situated as near the frontier as possible, and on the roads going through it, in order that trade and the public service may be carried out in the easiest manner possible and in due harmony.

2. Fiscal and Customs Rules will be laid down by mutual assent between the two Governments with reference to the undermentioned commercial operations:—

(a.) Import trade of articles subject to duty.

- (b.) Export trade of articles subject to duty.
- (c.) Import trade of articles free from duty.
- (d.) Export trade of articles free from duty.
- (e.) Transit trade of products of either of the two Contracting Parties.
- (f.) Temporary importation.
- (g.) Temporary exportation.

3. The powers to be held by the respective Custom-houses shall be so determined that the Portuguese and Spanish Custom-houses situated on the same frontier road shall hold the same powers as regards any of the commercial operations mentioned in the foregoing Article, have the same business hours, and observe perfect uniformity in everything concerning commercial operations and Customs formalities.

4. The documents for the clearance and conveyance of merchandize shall be the same, and must be drawn up in the same form in the frontier Custom-houses of both countries, in accordance with the duly authorized model forms.

5. The conveyance of merchandize from one Custom-house in either country to the other, and crossing the frontier, shall only take place by means of the documents issued by the Custom-house forwarding the merchandize to the Custom-house of destination; merchandize while in transit from one Custom-house to another must be accompanied by a fiscal officer, and the Departments will give notice to each other of the receipt of the merchandize.

6. The Governments of the two countries will determine by mutual assent what cattle and merchandize will be allowed, in accordance with this Convention, and in view of the convenience of the inhabitants on the frontier, and without loss to the Exchequer, to pass freely from one point to another in the two countries, or from one Custom-house to another, without the formality of documents and without being accompanied by a fiscal officer, on condition that such cattle and merchandize are presented at the proper Custom-houses or fiscal stations for examination and registration, with a view to the preparation of the statistics of this part of international trade.

7. With respect to the trade through the land frontier, the provisions contained in the section of this Treaty relating to fiscal supervision and the suppression of frauds and smuggling will be observed.

8. The Governments of both countries will lay down, by mutual assent, the necessary conditions for the development and enforcement of the bases set forth in this Appendix.

(L.S.) COUNT DE SAO MIGUEL.

(L.S.) EL MARQUÉS DE LA VEGA DE ARMIJO.

Appendix No. 2.

Bases for Trade by the Rivers Minho, Tejo, Douro, and Guadiana, in the navigable portions of those Rivers serving as a Boundary between Portugal and Spain.

(Translation.)

1. THE Governments of both countries will, by mutual assent, determine the Custom-houses and fiscal posts on both banks of the Rivers Minho, Tejo, Douro, and Guadiana, through which the trade referred to in this Appendix can be carried on.

2. Boats conveying merchandize or products from one bank of those

rivers to the other must be registered in the administrative office of the district where the owners are domiciled, the said boats must have the name of the district to which they belong painted on the hull in a different colour for each country, and the proper register number in each country.

3. The administrators of districts in Portugal and the "Alcaides" in Spain, or else the proper administrative authorities, are to draw up an official list of the vessels within their district, and will forward an authentic copy to the corresponding principal Custom-house of each country.

4. These Custom-houses, in view of the said official lists, will draw up a general list of the vessels of each country engaged in trade, and from this general list the necessary copies will be made for distribution among all the Custom-houses and the respective clearance and fiscal posts of the two nations, in order that all vessels engaged in this trade may be known and watched.

5. Vessels will not be allowed to be moored in either country except at the places selected by the respective Administrations. They are likewise not to anchor in the current of the said rivers unless it be in cases of duly proved *force majeure*.

6. Vessels may be visited and examined while on their way or while at anchor in the rivers by the Customs officers of each country alone in case the vessel belongs to that country: but should they be under the flag of the other country, if it should be necessary to visit them, the co-operation of the Customs authorities of that other country must be applied for, in order that the proceedings may be carried out with their assent, and these proceedings will be under the direction of the Custom-house of the country under whose flag the vessel about to be visited sails.

7. Should there be evidence in either Custom-house, or in both, as to the commission of some fraud, proceedings will be instituted against the vessel accused of such fraud by the Administration of the country to which the vessel belongs, in accordance with the special Laws and Regulations of that country, and in conformity with Appendix No. 4, for the suppression of smuggling.

8. All cattle and merchandize, which are declared by the Commercial Treaty of this date to be exempted from import and export duties at the Portuguese frontier, may be conveyed by the Rivers Minho, Tejo, Douro, and Guadiana in any registered vessels, and pass from one country to another without any other formality beyond that of presentation to the Custom-houses or proper fiscal posts, in order that the Customs officers may take note of the said cattle and merchandize, with a view to the preparation of the necessary statistics.

9. All other articles or products liable to the payment of import or export duties bound from one country to the other, and which the respective Custom-houses are qualified to clear, must be described in a list of cargo drawn up by the masters of the vessels, in accordance with the invoices or other documents required in each country for this kind of trade.

This list is to be presented to the Custom-house through which the exportation takes place, in order to be *visé* and indorsed as correct. On this formality being fulfilled, the list will be delivered to the master of the vessel as a pass, and for delivery afterwards to the receiving Custom-house.

The latter will notify to the exporting Custom-house the receipt of the list of cargo and the result of the clearance and collating of the merchandize.

10. The vessels referred to in this Appendix will be allowed to navigate the said rivers freely, without paying any tolls or anchorage or passage fees.

11. Vessels engaged in this trade must be of more than two metrical tons

measurement, and the masters must be provided with a trading licence, which will not be granted until after the registration of the vessel by the competent authorities on payment of a moderate fee, which is to be the same in both countries, and to be fixed by the two Governments.

12. The wooden rafts plying on these rivers are not subject to the navigation licences referred to in the foregoing basis; they must, however, be preceded by a launch, in order to give notice not only to the vessels navigating the said rivers, but also to those in charge of any works which may be damaged in consequence of a collision with the said rafts, it being understood that the owners of such rafts, or the carriers, will be responsible for any damages they may cause, in accordance with the laws of each country.

13. The Governments of both countries will endeavour, in the interest of the dispatch of business, and of all possible uniformity, to establish an agreement that the hours of official business should be the same, that the requisite documents in the Customs service shall be identical in both kingdoms, and that there shall be an effectual fiscal supervision without causing any unnecessary inconvenience to trade.

14. The navigation of the Douro is especially subject to the following rules:—

(a.) Spanish merchandize reaching the Oporto Custom-house dépôt by sea may be conveyed up the Douro and imported through Vega del Terron without forfeiting its nationality in Spain.

(b.) Spanish merchandize exported through the Custom-house of Fregeneda, and conveyed through the River Douro to Oporto for the purpose of re-importation by railway or by sea, or through a Spanish Custom-house, will likewise not forfeit its nationality in Spain.

(L.S.) COUNT DE SAO MIGUEL.

(L.S.) EL MARQUÉS DE LA VEGA DE ARMIJO.

Appendix No. 3.

Bases for Trade by Sea.

(Translation.)

1. THE maritime trade between Portugal and Spain, without passing through the territory of either of the two countries, will be carried on through the principal and subordinate Custom-houses which are already, or may hereafter be, established.

2. Each country will maintain its Customs legislation as regards maritime trade, both with reference to the navigation on the high seas and to the coasting trade: nevertheless, so long as it may be necessary to exhibit manifests, ships' papers, and bills of lading, these documents must be *visé* by the Consul of the country for which the merchandize is intended, and in his absence by the Customs authorities of the port of shipment.

No fees will be levied for the *visa* on these manifests, ships' papers, bills of lading, or any documents issued in their stead, whenever the vessels carrying the merchandize shall be of less tonnage than 100 metrical tons.

3. Both Governments will settle by mutual agreement how far the trade carried on in the neighbourhood of the mouth of the rivers common to both countries is to be considered maritime trade.

4. They will likewise determine the various Spanish or Portuguese products which may be conveyed, either by Portuguese or Spanish vessels to the ports of

both countries, without forfeiting the advantages accorded to the national flag as regards importation and transit, payment of reduced Customs dues, and of the shipping dues in each country on national vessels under the head of navigation, port, and loading and unloading dues.

Merchandise, either of Portuguese or of Spanish origin, in transit through Spanish or Portuguese territory respectively, will not thereby forfeit its nationality, even if it should, either before or after such transit, be conveyed by sea, provided it is conveyed directly from a Portuguese to a Spanish port, or *vice versa*, and not under the flag of any third country.

(L.S.) COUNT DE SAO MIGUEL.

(L.S.) EL MARQUÉS DE LA VEGA DE ARMIJO.

Appendix No. 4.

Bases for Fiscal Supervision, Suppression of Fraud, and Smuggling.

(Translation.)

1. THE High Contracting Parties engage to adopt, in accordance with the provisions laid down in this Appendix, the proper regulations to prevent, discover, and repress any offences which may be attempted or carried into effect in either of the two countries against the Customs Laws and Regulations as regards evasion of the payment of duties and smuggling, and against any State monopolies.

2. The Customs and fiscal officers, as well as the administrative authorities of any district or sub-district, to whose knowledge it may have come that any fraud, or smuggling, or any transgression of the laws and regulations of the other country is being planned, shall endeavour, by every possible means in their power, to prevent the same being carried out, and shall report the facts to the chief authority of their own country.

3. In case the smuggling, fraud, or transgression should have been committed, the Customs officers, the fiscal guards, and the administrative authorities of the district or sub-district who may be acquainted with the facts shall report the facts at once to the chief authority of their own country, specifying the data and details that may have come to their knowledge, with a view to the punishment of the delinquents.

The chief authority to whom the facts may have been reported shall at once lay the whole of the facts before the proper authorities of the country where the frauds and transgressions thus denounced may have taken place.

4. The chief authorities referred to in the foregoing bases are in both countries the Civil Governors, or the delegates or chief financial officers, the chief administrators of Customs, and the chief officers of the fiscal guard in the respective provinces or districts in which the transgression or fraud may have been attempted in one case, or carried into effect in the other.

5. The Governments of both countries may, by mutual assent, designate other classes of authorities or officials for receiving, and proceeding to act upon, the denunciations in question.

6. The said chief authorities shall acquaint, as soon as possible, and by telegraph if possible, the respective Directors of Customs with the facts as denounced by the chief authority of the other country.

7. The officers of the Custom-houses and of the duly qualified fiscal posts of both nations on the land or fluvial frontier (in the navigable part only) shall

communicate to each other, either verbally or in writing, any details and information which may be mutually asked for, with reference to the trade of the two countries.

8. In order more effectually to repress smuggling and frauds, the Customs officers, the chief fiscal guards, and fiscal authorities of either country, without prejudice to the foregoing rule, are to communicate to each other any observations they may deem expedient for the attainment of that object.

9. Both in Portugal and in Spain the respective Governments engage not to allow the establishment, either on the land frontier or on the banks of the navigable parts of the rivers, which are common to both countries, of any warehouses or depôts of merchandize which, it may be presumed, is intended for fraudulent introduction into the territory of the other nation.

10. The warehouses or depôts of merchandize which may, in accordance with the provisions in force in each country, have already been, or may hereafter be, established on the said land frontier, or on the said banks of rivers, are to be subject to the supervision of the Customs and of the fiscal guard of the country in which the warehouses are situated, in order to prevent any attempt at fraud in the other country.

11. Should an attempt be made in either of the two countries to form Companies in order to secure the introduction into the other of any merchandize at reduced rates of duty, or for the purpose of smuggling, such Companies or Associations shall be punished according to the respective codes, any contracts they may have made will be submitted to the action of the competent Courts of Justice, and the two Governments will communicate to each other the copies of the judicial proceedings instituted on these grounds in their territories, as well as the names of the persons and of the firms or Companies notoriously engaged in preparing or in carrying out the frauds and smuggling referred to, in order that they may be duly watched, and that the necessary precautions may be adopted.

12. The Custom-houses of the two countries will not allow the clearance outwards of any merchandize the importation of which may happen to be prohibited in either country respectively, nor will they sanction the exportation of any products to a Custom-house of the other nation not possessing the previous sanction or qualification to receive and clear such merchandize.

(L.S.) COUNT DE SAO MIGUEL.

(L.S.) EL MARQUÉS DE LA VEGA DE ARMIJO.

Appendix No. 5.

Regulations respecting the Transit Trade.

(Translation.)

Section 1.—Importation and Exportation by Railway.

ART. 1. That part of the railway comprised between the Spanish and Portuguese stations at the extremity of the lines of railway which join each other at the frontier between the two countries, and also that part of the railways that may in future so join each other, are declared to be open international lines to the two countries for the importation, exportation, and transit of any kind of merchandize, subject to the condition that between these frontier stations and the importing or exporting Custom-houses there shall be perfect continuity.

2. The administrative action of each country shall extend as far as the

station of the other as regards the supervision of that part of the line declared to be international; but should the intervention of the Courts of Justice be necessary on account of any event or accident, their jurisdiction will be limited by the frontier of the two States.

3. Portuguese trains will be allowed to pass over the Spanish lines, and Spanish trains will be allowed to pass over the Portuguese lines. The Railway Companies remain subject to the regulations established in either country, and are bound to cause the material to be returned to the point of departure, with the intervention of the respective Custom-houses.

4. Merchandize from Portugal to Spain, as well as that from Spain to Portugal, may be carried by the international line of railway connecting the extreme stations of the two countries by day and by night, even on Sundays and holidays, under the reservations and subject to the conditions and formalities set forth in these Regulations.

5. The trains may be escorted by fiscal guards of both nations in that part of the line declared to be international, but the Spaniards shall not go beyond the nearest Portuguese station, and the Portuguese shall not go beyond the nearest Spanish station.

The Railway Companies will accord a passage, free of charge, to the said guards, both on going and returning, and will have them placed as close as possible to the merchandize which they are guarding.

6. Posts may be established in the respective Custom-houses for the service of the escorts. The Companies shall provide a proper place for the purpose in each station, and they will be bound to supply the Custom-house with the requisite material for the installation of this service.

7. All Customs officials proceeding on service to the foreign Custom-house must be in uniform and armed.

While they are residing in the neighbouring territory they will be subject to the law of the country, and will pay indirect taxes like all other foreigners.

Both they and their families will be exempt from military service, from serving in the National Guard, and from all municipal taxes, either direct or personal, levied in the country.

As regards the service and internal discipline of the station, they will be solely dependent upon the authority of their own country.

8. Trains conveying merchandize must be accompanied by a way-bill to each of the terminal stations in the country to which it is bound; this way-bill will comprise the whole of the freight, and will be drawn up in accordance with a form which is to be identical for the two States.

This way-bill will be issued by the Railway Administrations; it will be presented to the Customs officials of the exporting Custom-house to be *visé* by them, and it will serve as a basis for all the subsequent operations, and also for the purpose of enforcing the responsibility of the Railway Company charged with the conveyance of the merchandize.

No way-bill will be required for luggage cleared in accordance with the provisions set forth in these Regulations.

9. The Spanish and Portuguese trains will remain subject to the supervision of the respective Custom-house as soon as the boundary station of the international line of each country is reached.

The railway official in charge of the train will at once hand over the way-bill to the importing Custom-house on arrival.

10. In order to afford the Railway Companies the means of making the necessary declarations with perfect accuracy, the Customs officers are authorized

to allow them, before making such declarations, to examine the merchandize, and even to unload them and to take out samples in order to ascertain what the articles of merchandize are and their value.

11. The merchandize will be placed, as soon as it reaches the terminal point of its destination in the other country, on a special part of the station selected beforehand by the Custom-house, and which can be closed.

There the merchandize will remain under the constant supervision of the Customs officers.

The waggons containing the merchandize shall not be moved or opened, and no part of the same may be unloaded without the permission of the Custom-house.

The merchandize may be dispatched for consumption, dépôt, or transit, after the formalities laid down in the Regulations of each country shall have been complied with within the prescribed periods.

Merchandize declared in transit may not be placed in dépôt, nor may it be finally cleared for consumption except at Lisbon, Oporto, Vianna do Castello, and Figueira da Foz in Portugal, and at Barcelona, Malaga, Cadiz, Mahon, and Vigo in Spain.

12. The site occupied by the Custom-house of either country on the foreign station, for the purpose of carrying on the public service in connection with these Regulations, shall display the arms of the respective country.

13. The Railway Administrative Boards are bound to notify to the Collectors of Customs, at least eight days previously, any changes they intend to make in the time-tables for the departure, passage, and arrival of the trains.

14. The Railway Companies or Administrative Boards of either country will grant to those of the other the requisite site on the frontier stations for the regulation establishments in connection with the working of the line and for housing the personnel.

Section 2.—*Transit.*

15. The transit of Spanish or Portuguese merchandize, or of that of other countries, will be completely free, both in Portugal and in Spain, from any Customs dues, as well as from any other tax, whether of a general, provincial, municipal, or of any other nature or denomination.

16. The free transit of merchandize is established on the principle of complete reciprocity, for which the same rules and formalities, as laid down in these Regulations, will be adhered to in both countries.

17. The Railway Companies will not be at liberty to refuse to allow waggons loaded with merchandize to pass in transit through their lines.

Merchandize must be forwarded by direct trains at a slow rate of speed, or by mixed trains, should the Companies have made an agreement with the senders to that effect, and it is only in case of proved *force majeure* that the waggons will be detained at the intermediate stations until after the passage of the first train.

18. Merchandize in transit is to be placed in sliding waggons, which can be regularly closed up by means of leaden seals or padlocks, or under tarpaulins strapped round.

19. Any parcels weighing less than 25 kilog. shall not be placed in other than sliding waggons.

Nevertheless, should any of these parcels be in excess of the wagon accommodation available, such merchandize, with the assent of the Custom-

house, may be received in cases or baskets closed with leaden seals or padlocks.

Baskets may also be made use of when there is not a sufficient number of parcels to fill up a waggon.

These cases and baskets will be supplied by the Railway Companies.

20. Mineral ore, phosphate of lime, metals in the rough, in bars, in sheets, ingots, and small shot, and cork, raw or in planks, as well as wine and olive-oil, if carried in leather flagons, barrels, or casks, cereals in sacks, and quicksilver in proper vessels of iron, and any other articles which, owing to their dimensions, do not fit in the closed waggons, may be carried in open waggons with or without a cover.

21. Senders of merchandize in transit will, on their part, present to the forwarding Custom-house a declaration, in duplicate, specifying the number of parcels, contents, numbers, and gross weight, the nature, value, and origin of the merchandize contained therein, the date of entrance into the warehouses, the maritime or land Custom-house whence exported, and the station of the destination of the merchandize.

Both the intermediate stations of the two countries and the terminal stations, whether on the land or maritime frontier, where merchandize is received from any third country for the purpose of proceeding in transit through the same, will be considered to be forwarding Custom-houses.

In Portugal these terminal stations will be Lisbon, Oporto, Vianna do Castello, and Figueira da Foz, and in Spain all the ports and land Custom-houses connected at present by a line of railway with Portugal without any interruption, and, moreover, any other points in either of the two countries that may in future be selected.

22. All parcels are to have different marks and numbers; should the senders, however, prefer to form one parcel only out of two or more parcels, they will be allowed to do so, provided they mention it in their declarations.

23. The Customs officers, after ascertaining the condition of the parcels externally, and after examining the merchandize—should it be in bulk—will cause the waggons, cases, and baskets to be sealed and strapped in the usual manner; they will state that the declarations tally, and by means of this data they will draw up a duplicate way-bill.

The official charged with the transmission of the merchandize by railway will give a receipt for the merchandize in the declarations, and will receive the duplicate of the way-bill for transit which must necessarily accompany the merchandize. The period for transit shall be the same as that for the itineraries by railway.

24. Merchandize in transit through Portugal or Spain, and intended for any country, may be transferred to other vessels or receptacles, provided this operation is carried out by the Customs officials in the Custom-houses or depôts appointed for the purpose, and that the original marks or signs, for the purpose of identification, shall be placed on the vessels or receptacles.

25. Both in Portugal and in Spain it will be lawful to mark merchandize with indelible signs in the following cases:—

With a red-hot iron any vessels or casks or wooden cases;

With ink, or in any other manner, any wrappers of any other material containing merchandize in transit through the respective territories, in order that the country of production or of manufacture of the merchandize, as well as that through which it has merely passed in transit, may be known.

26. The Railway Companies are directly responsible to the Custom-houses

of the two nations for the delivery of the parcels and merchandize in the state in which they were handed over to them, and they will be liable to the penalties imposed by the laws of either country respectively on account of any alteration of the seals and fastenings, of defrauding the State on account of the loss, subtraction, or exchange of any parcels or of the merchandize therein contained, and for any differences in quality or weight, and they are, moreover, responsible for the payment of any fines which may be imposed on account of any infraction of the Customs regulations of either of the two countries.

27. Judicial proceedings on account of any evasion of the payment of the duties or for smuggling are to be instituted by the Custom-houses which may have discovered such evasion or offence, and those on account of any infractions of the fiscal regulations will be instituted by the Custom-houses within whose districts the offences in question may have been committed.

Section 3.—*Passengers' Luggage.*

28. Passengers' trains may pass the frontier by day or by night, also on Sundays and holidays.

Passengers cannot be allowed to keep in the carriages any parcel containing merchandize liable to duty or prohibited goods.

All articles liable to duty carried by passengers' trains will be subject to the conditions and formalities laid down with regard to merchandize intended for importation into either country respectively, and the transfer of the same must be effected within three hours.

29. Travellers passing through either of the two countries shall have the right to cause their luggage to be sealed or strapped up on their entrance into the country of transit, and on their departure an examination is to be made in order to ascertain whether the seals are intact or not.

30. Travellers not in transit and proceeding to either of the two countries will have to submit, as regards the clearance of their luggage, to the formalities prescribed in each country respectively.

31. Luggage not in transit is to be examined and cleared in the Custom-houses of the frontier railway stations of both countries should it be introduced by railway.

Section 4.—*Transit through either of the two Countries of Merchandize of the other, of Merchandize from their Transmarine Provinces, and of that quitting their Ports for Re-importation.*

32. All articles and fruits, being the production of any of the Spanish transmarine provinces, and coming directly therefrom, which may be deposited in the Custom-houses at Lisbon, Oporto, Figueira da Foz, Vianna do Castelo, or in any others which may in future be named, and forwarded to Spain by rail or by Spanish ships to Spanish ports; and merchandize, articles or fruits produced in the Portuguese transmarine provinces, and coming directly therefrom, which may be deposited in the Custom-houses at Barcelona, Malaga, Vigo, or in any others in Spain which may be named in future, and forwarded to Portugal by rail, or by Portuguese ships to Portuguese ports, will retain their nationality; and both in the maritime Custom-houses to which they may be sent, as well as in those at Badajoz, Valencia de Alcantara, Fregeneda, Fuentes de Oñoro, and Tuy in Spain, and in any others which may in future be named in that country or in Portugal, they will be entitled respectively to

all the advantages accorded by the laws of either of the two nations to the products brought directly from their transmarine provinces; and, consequently, they will enjoy the same exemptions and pay the same rates of duty as if they had been imported through any Portuguese or Spanish port by a direct voyage from those provinces, it being understood that the products in question are entitled to the aforesaid advantages even when they do not constitute the total cargo of the vessel by which they were shipped from the transmarine provinces to the depôts above mentioned, and irrespective of the destination of the rest of the cargo of the ship.

33. Spanish merchandize carried directly under the Spanish flag from any ports in Spain and in the adjacent islands for the purpose of re-importation in transit through Lisbon, Oporto, Figueira da Foz, Vianna do Castello, or through any other port in Portugal which may be hereafter named, or through the Portuguese railways to the Custom-houses at Badajoz, Valencia de Alcantara, Fuentes de Oñoro, Fregeneda, Tuy, or any others which may be hereafter named, will not forfeit its nationality by the fact of having passed through Portuguese territory, and will be freely cleared at the aforesaid Spanish Custom-houses as Spanish products. *Vice versâ*, Portuguese merchandize passing through Spanish territory under the same conditions will likewise retain its nationality.

34. Spanish merchandize brought from Badajoz, Valencia de Alcantara, Fuentes de Oñoro, Fregeneda, and Tuy, or other points which may in future be named, by rail to Lisbon, Oporto, Figueira da Foz, Vianna do Castello, or other Portuguese ports which may be named hereafter, in order that it may be imported by sea under the Spanish flag into Spanish ports, and into the adjacent Spanish islands, or for exportation to the transmarine provinces of Spain, will be entitled to the same advantages; as also Portuguese merchandize passing through Spanish territory.

35. In order that the advantages referred to in Articles 32, 33, and 34 may be secured, the following formalities must be observed:—

(1.) The merchandize in question must be stored in the depôts of the maritime Custom-houses, and must be accompanied by the necessary particulars, in order that its nationality and origin may be proved at any time.

(2.) After the merchandize is deposited, importers or their representatives will be allowed to clear the merchandize for consumption, transit, or re-exportation, either in Portugal or in Spain, according to circumstances.

36. Vessels under any flag coming directly from the Spanish transmarine provinces with any products thereof may call at Lisbon, Oporto, Figueira da Foz, Vianna do Castello, or at other ports which may be named, for the purpose of discharging part of their cargo, and then proceed to any Spanish or foreign port without forfeiting their right in the Spanish ports to the advantages accorded there by law to direct arrivals, by the fact of their having discharged cargo in any of the aforesaid Portuguese ports. Vessels under any flag, and sailing from Spain to the Spanish transmarine provinces, may enter Oporto, Lisbon, Figueira da Foz, Vianna do Castello, and other ports which may be hereafter named, and complete their cargoes with Spanish merchandize deposited in the Custom-houses of the Portuguese cities above mentioned, which merchandize will be admitted into those transmarine provinces on payment of the same rates of duty as if it had come from Spanish ports after proving its nationality.

Vessels under the Spanish flag sailing from Spain, or from any foreign port, and calling at Lisbon, Oporto, Figueira da Foz, Vianna do Castello, and other

ports which may be named in future, may complete their cargoes with Spanish or colonial merchandize taken out of the depôts in the aforesaid cities for conveyance to a Spanish port, without the said merchandize forfeiting its nationality in any of these cases.

Vice versâ, the same advantages will be accorded in the Spanish ports which may be hereafter named, to vessels and merchandize intended for Portuguese ports.

37. Spanish vessels conveying Spanish merchandize from one port in the peninsula to the other may call at Lisbon, Oporto, Figueira da Foz, or Vianna do Castello, to deliver or receive cargo, without the said merchandize forfeiting its nationality at the Spanish port of disembarkation, and Portuguese ships under the same respective conditions will be entitled to the same right.

38. The depôt and storage dues, and all other expenses, will be in either of the two countries at the same rate as those set forth by law on articles deposited in the Custom-houses.

Mineral oils, inflammable articles, as well as any others which, for any reason, cannot be received in the Customs depôt warehouses, will be entitled to the advantages accorded to the depôts, provided the articles in question are warehoused by the parties interested in proper and safe places, and remain under the fiscal supervision of the Custom-house. In this case the merchandize will not be subject to storage dues.

No merchandize will be allowed to remain in depôt for a longer time than that allowed by the law of either country. If the articles of merchandize have not been withdrawn therefrom, on the expiration of the proper period, they will be sold according to law.

Section 5.—*General Rules.*

39. The Directors-General and the Administrators or Chiefs of Customs of the two countries will be at liberty to telegraph to each other, free of charge, by the lines of their respective Governments, as well as by the telegraphic lines of the railways, should the public service require it.

They will also communicate to each other any instructions and circulars addressed to them by their subordinates with reference to the carrying out of these Regulations.

They will also adopt, by mutual assent, the necessary steps in order that the number of the Customs officials in the respective Custom-houses, as well as the hours for public service, should, as far as possible, be such as to satisfy the due requirements of the railway service.

They will insure that passengers and their luggage may be able to proceed by the proper train within the maximum period of one hour.

They will also adopt the necessary steps in order that the transfer of merchandize may be effected in any case within twenty-four hours.

40. If the Administrative Railway Boards of either of the two countries should differ on any of the points mentioned in these Regulations, or as to the means of continuing the public service and of facilitating the transit trade, the two Governments will interfere in order to bring about an agreement.

41. The Governments of the two countries engage to obtain from the Railway Companies to which the international lines of transit wholly or partly belong, that the traffic shall neither directly or indirectly be hindered or delayed

on those lines, and that no tariff rates shall be levied so as to impose unfavourable conditions as regards competition with other lines. The said Governments likewise engage that they will act in the same manner as regards the State lines.

The lines which are connected with each other on the frontier of the two countries, and are utilized for the conveyance of merchandize and luggage coming from either of them, or of any third country, irrespective of that to which such merchandize and luggage are sent, whether in transit by a continuous railway or through the seaports connected with the railways that cross the frontier, are considered international lines for the effect and purpose of transit through the territory of the two countries.

42. The term of eight months, reckoned from the day when these Regulations are approved by the two Governments, is fixed in order to determine the boundary stations not yet selected of the international lines, the Custom-houses which are not yet empowered to take part in the transit service, and, lastly, the enforcement in full of such of these Regulations as are not at present in force.

43. The Board of Customs in either country will be at liberty, in the event of there being any suspicion of fraud, to open and examine the parcels cleared in transit, and to proceed with the subsequent necessary formalities, either on the frontier or on the dispatch of such parcels from any port.

(L.S.) COUNT DE SAO MIGUEL.

(L.S.) EL MARQUÉS DE LA VEGA DE ARMIJO.

Appendix No. 6.

Regulations for the Police Service of the Coast and Fisheries.

(Translation.)

Section 1.—*Provisions applicable to the Waters under the respective Jurisdiction of either Country.*

ART. 1. The following provisions will regulate the police service of the coast and fisheries in the jurisdictional waters of Portugal and Spain:—

2. The limit within which the general right of fishery is exclusively reserved in favour of fishermen, subject to the respective jurisdictions of the two countries, is fixed at 6 miles, reckoned from outside the low-water line of the lowest tides.

As regards bays the aperture of which is not more than 10 miles, the 6 miles shall be reckoned from a straight line drawn from one point to the other.

The miles referred to are geographical miles, 60 to a degree of latitude.

3. Either of the two States will have the right to regulate the fisheries on its maritime coasts respectively within the distance of 6 miles from the same, within which limit native fishermen will alone be allowed to fish.

The two States agree that the use of "parelhas," "muletas," or of other apparatus of a harmful effect, shall be prohibited within the distance of 12 miles, and either State will be at liberty to detain any offenders until the judicial record of the act shall have been drawn up; such offenders must, however, be delivered up within the term of eight days to the proper authority of the neighbouring country, in order that they may be subjected to the penalties imposed by the Laws and Regulations of their own country.

4. For the intents and purposes of these Regulations the division of the

territorial waters in the adjacent maritime zones of the two countries will be determined as follows:—

(a.)* At the mouth of the Guadiana by a middle line drawn between the two meridians, respectively suggested by the Spanish and Portuguese Commissions, to which the demarcation of those waters was intrusted in 1887.

(b.) At the mouth of the Minho, by the parallel of latitude agreed to by the said Commissions.

5. The fisheries in the boundary Rivers Minho and Guadiana will continue, as heretofore, to be carried out in common by the Portuguese and Spaniards, in accordance with the provisions and regulations which may be agreed upon; for the River Minho, by the Captain of the Port of Caminha and the Marine Adjutant of Guardia; and for the River Guadiana, by the Captain of the Port of Villa Real de San Antonio and by the Adjutant of Marine of Ayamonte, and sanctioned by the respective Governments.

6. The fishing vessels of either of the two countries must not approach any point of the coast of the other country at a less distance than that of 6 miles, as laid down in Article 2, except under the following circumstances, which shall be considered as cases of *force majeure*:—

(1.) When on account of bad weather, or of any manifest damage, they are forced to seek shelter in the ports of the other country outside the fishery limits of their own country.

(2.) When carried within the limits set apart for the fishery of the other country by contrary winds, by strong currents, or by any other cause independent of the wish of the master of the vessel.

(3.) When compelled to tack on account of an adverse wind in order to reach their fishing-ground, and when, in consequence of the same cause, *i.e.*, of contrary winds or tides, they are unable, without entering the zone, to proceed on their course in order to reach their fishing-ground or to return to port.

“Parelhas” and “muletas,” or other vessels making use for fishing of any harmful apparatus, are not allowed to tack within the zone reserved for each country.

(4.) When it shall be absolutely necessary to enter the nearest port of the other country in order to obtain supplies.

The presence within the jurisdictional waters of either country of any floating apparatus or drag-nets belonging to fishermen of the other country shall likewise not be looked upon as a violation of the rule set forth in this Article, in the event of the same having been carried there by currents or winds; nevertheless, the owners are bound to remove them as quickly as possible.

7. Whenever, on account of any of the exceptional circumstances mentioned in the preceding Article, the fishing-vessels of either nation require to navigate within the limits defined in Articles 2 and 4, they are bound to reduce sail, if circumstances allow it, and also to hoist a conventional signal.

This signal will consist of a red burgee with a yellow point for the Spanish vessels, and of a white one with a blue point for Portuguese vessels; the dimensions of this burgee will be 0·50 metre in length, and 0·15 metre in breadth.

Whenever, on account of bad weather, of manifest damage, or of the need to take in supplies, vessels are compelled to seek for shelter in port, they will at once give notice to the local maritime authority, who will examine the matter as to the circumstances of their stay.

* See Final Protocol, page 462.

Should that authority consider that there is a reasonable cause for their stay, the fishing-vessels will be entitled to all the facilities accorded to the vessels of the country in which they are, whether as regards procuring supplies or for the sale of fish, on payment of the proper amount of dues, as also as regards sanitary measures.

The Customs officers shall have the right to visit the vessels as laid down in the Customs Regulations, before anything whatever is landed.

While these vessels remain within the limits above mentioned under no pretext whatever are they to fish, and they must depart from within the said limits as soon as the exceptional circumstances which gave rise to their entrance will admit of it.

8. The commanding officers of any cruisers or coastguard vessels of both nations, as well as all other agents or police officers of fisheries, will inquire into infractions of the Regulations issued which may be committed within the respective fishing limits, and should they find that such infractions are not justified, they will be at liberty to detain the vessels in fault, or to cause them to be detained, and will convey them, or cause them to be conveyed, to a port of the country to which the offenders belong, in order that they may be tried before the Courts competent to take cognizance of the matter.

Section 2.—*Provisions applicable to the Waters adjacent to the Coasts of both Countries outside the 6-mile Zone.*

9. All fishing-vessels, both Spanish and Portuguese, are to have distinguishing signals and numbers.

In Spain, and similarly in Portugal, all fishing-vessels belonging to the same maritime district must have a series of numbers preceded by the initial letters of the respective maritime districts.

10. The letters and numbers referred to in the foregoing Article shall be placed on each side of the ship 8 or 10 centim. below the gunwale, and shall be painted white, in oil, on a black ground, so as to be clearly visible.

The size of these letters and numbers shall be, in the case of vessels of more than 15 tons, 45 centim. high and 6 centim. wide; and in the case of vessels of less than 15 tons, 25 centim. high and 4 centim. wide. The same letters and numbers will also be placed on both sides of the main sail of the vessel, painted in oil, of a black colour on the white sails, and of a white colour on any unbleached or dark sails; these letters and numbers are to be one-third larger than those placed on the sides of the vessels.

11. The particular letter and number of each vessel will be marked on her buoys and principal floats of the appliances for fishing, and the same practice must be followed as regards the boats, anchors, nets, and, in general, the whole of the fishing apparatus belonging to the vessel. These marks will be of such a size that they may be easily distinguishable.

The owners of fishing appliances may, moreover, have them marked with any private marks they may deem expedient, but in order that these may be effective under these Regulations, they must be notified to the local maritime authority.

12. The letters and numbers of any Portuguese or Spanish fishing-vessels are to be recorded in the muster-rolls of the same.

13. The names of the owner and of the master of the vessel must also be stated in the ship's muster-roll.

14. The masters of fishing-vessels of either country are bound to exhibit, whenever required to do so, the muster-roll and all other ship's papers to the commanding officers of any ships of war or to their delegates, provided the ship to which they belong shall be in sight at the time.

15. It is forbidden to erase, alter, or in any way conceal the letters or numbers on the vessels and on the sails when spread.

16. The fishing-vessels of the two countries shall comply with the general rules adopted in either country as regards lights, in order to prevent collisions.

17. Vessels are forbidden, on reaching their fishing-ground, to take up a position or to cast their fishing apparatus so as to cause harm, or to hinder in any way the vessels which may be already fishing there.

18. Fishing-vessels are forbidden to anchor, from sunset to sunrise, where floating nets have been cast, except in case of any accident, or of *force majeure*, which must be duly proved.

19. Whenever decked or undecked fishing-vessels shall assemble in the same fishing-ground, and shall simultaneously cast their fishing apparatus, floating nets, or "deriva" nets, the last-named vessels shall cast their nets to windward of the first named.

Should they not cast their nets at the same time, and should a decked vessel cast her apparatus and nets to windward of an undecked vessel engaged in fishing, or should an undecked vessel do so to leeward of a decked vessel which may be already fishing, the vessel which cast its nets last will be responsible for any damages which may be sustained by the apparatus or nets of the other, unless it is proved that it was a case of *force majeure*, or that the damage was not due to any fault on its part.

20. Fishermen are forbidden to moor or to make fast their vessels by the nets, floating buoys, or any part of the fishing tackle of another ship.

21. Whenever fishermen with drag nets shall be in sight of others with floating "deriva" nets or with any apparatus such as "talhas," "palangras," &c., for line fishing, they must adopt the necessary measures in order to prevent any damage being caused to the last named. Should any damage be done, those fishing with drag nets will be responsible unless they prove that it was a case of *force majeure*, or that the losses sustained were not caused by any fault of their own.

22. It is prohibited to make fast or interfere with any nets, ropes, lines, or any other fishing apparatus belonging to another person under any pretext whatever, saving a case of *force majeure*.

23. Should any vessel fishing with apparatus or lines entangle the same with those of another ship, the vessel raising her nets is forbidden to cut those of the other vessel, unless it be a case of *force majeure*; but even in such a case it must at once make good the lines which were cut.

24. Whenever the nets, apparatus, or lines of two or more vessels get entangled, a master is forbidden to cut any lines that do not belong to him, unless it be with the consent of the parties interested, or in case of danger, after it shall have been ascertained that it is impossible to separate them in any other manner, in which case all responsibility ceases.

25. It is forbidden to make use of any instrument, apparatus, or material exclusively intended and serving for the purpose of destroying nets. The presence of such utensils or materials on board is prohibited and punishable, and either nation is bound to adopt the necessary measures in order to prevent the shipment of such articles.

The use of dynamite or any other explosive material is likewise prohibited.

26. The supervision and fiscal control as to compliance with the rules concerning lights, signals, muster-rolls, fishing licences, and other ships' papers, the marking and numbering of vessels engaged in the fishing trade and of the fishing appliances, and with the subject-matter of the preceding Articles, exclusively appertain to the agents of the country to which the fishermen belong. Nevertheless, the officials charged with the supervision and police of the fishing trade in both countries will be at liberty to report to the authorities of the other country any infractions that may come to their knowledge on the part of the fishermen of that other country.

27. The competent vessels for recording any infractions of the rules laid down as to the place to be taken up by fishing-vessels on the fishing-ground, and generally for all things relating to these operations, and especially as regards any acts that may cause damage, irrespective of the nationality of the fishermen guilty of the same, are the cruising vessels of the two States; consequently, the commanding officers of those vessels will inquire into any infractions committed by the fishing-vessels of the two nations, and will draw up a summary account or record of the case, and should it be of such a grave nature, and should they think it necessary to do so, they will take the delinquents and their vessels to the nearest port of their own country, in order that the case as well as the damage, if any, may be proved there, both by the declarations of the parties interested and by the evidence of any persons witnesses to the fact.

The summary account or record must be signed by two witnesses and by the offender; but should he refuse to sign, a declaration to that effect must be substituted: it will be drawn up in the language of the country to which the cruiser belongs, but the witnesses, as well as the offender, may insert in the same any declarations in their own language.

28. In case the infraction should not have been of a grave nature, but should, nevertheless, have caused damage to any fisherman, the commanding officers of the cruisers may reconcile at sea the parties interested and may settle the amount of compensation, if the parties agree. In such a case, if one of the parties is unable to pay at once, the commanding officers will cause a declaration to be drawn up and signed in duplicate, with reference to the mode of payment of the compensation; one of these documents shall be kept on board the cruiser, and the other will be handed over to the master and creditor, in order that, if needful, he may make use of it before the Courts of Justice of the debtor.

Should both parties not agree, the commanding officers will proceed in accordance with the provisions of Article 27.

29. Whenever the fishermen of either country shall proceed to acts of violence against those of the other country, or may have wilfully caused damage or losses, the Courts of the country to which the vessels of the offenders belong will be competent to try the case.

Section 3.—*General Rules.*

30. Any fishing-vessel, or any part of its tackle or rigging, apparatus, nets, buoys, or floating-buoys, as well as any fishing appliances, found or picked up at sea, within or out of the jurisdictional waters, must be forwarded to the Naval Commandant if the article is sent to Spain, or to the Captain of the Port if sent to Portugal. The Naval Commandant or the Captain of the Port, as the case may be, will deliver up the article saved to the owners or to their representatives.

31. The proper authorities, according to the law of either country, will fix the amount of compensation to be paid by the owners to the salvors. This compensation, which may in no case exceed one-fourth of the value of the articles saved on the occasion, will be paid by the owners.

32. Any articles saved in the 6-mile coast zone will become the property of the nation having jurisdiction there should they not be claimed, or if there should be insufficient evidence to prove the right of ownership.

Any articles picked up on the high seas will become the property of the country of the salvors in the event of its being impossible to discover the owners.

33. All penal proceedings arising out of offences or transgressions referred to in these Regulations will lapse at the expiration of six months from the date of the commission of the offence. Penal proceedings, however, having reference to acts of violence or to any damages caused wilfully, are excepted from this rule, and come within the scope of the general law of the respective States.

34. The 6-mile zone, as laid down in Article 2, is solely applicable for the purposes of these Regulations.

35. The supervision and police of the fisheries will be carried on by means of the ships of war of both countries.

36. Any resistance to the orders of the officials charged with the supervision and police of the fisheries, or of their delegates, and any disobedience to any orders or demands necessary to enforce such supervision and police control, will be punishable as resistance to and disobedience of the authorities of the country to which the offenders belong.

(L.S.) COUNT DE SAO MIGUEL.

(L.S.) EL MARQUÉS DE LA VEGA DE ARMIJO.

Model Form (A).

Certificate of Identity for Commercial Travellers.

(Seal of the State.)

Good for the year 189 .

No. of the Certificate .

FOR SPAIN.

Bearer.

(Name and Surname.)

Place .

Date .

(Seal of the proper authority.)

(Seal of the proper authority.)

[On the other page.]

It is hereby certified that the bearer of this certificate
 { is the owner of [*state manufactory or business*] at under the
 { commercial firm of .
 { is a commercial traveller in the service of the house at ,
 { which is the owner of [*state the manufactory or business*] at ,
 { under the commercial firm of .

The bearer of this certificate wishes to obtain orders and make purchases in Spain for this house and ^{for the house undermentioned} _{for the houses undermentioned} [*state commercial or industrial establishment*], and it is hereby certified that ^{the said house is} _{the said houses are} authorized to carry on ^{their industrial pursuits} _{their business} in this country, and that ^{it pays} _{they pay} the legal taxes due for the exercise of his business or manufactory.

Distinguishing Marks.

Age _____
 Stature _____
 Hair _____
 Special marks _____

Signature of the bearer _____

(L.S.) COUNT DE SAO MIGUEL.

(L.S.) EL MARQUÉS DE LA VEGA DE ARMIJO.

Model Form (B).

Certificate of Origin.

I, ⁽¹⁾ _____, hereby certify that, in view of the documents presented, Mr. ⁽²⁾ _____ ^{invoiced} _{shipped} in 189 ⁽³⁾ _____
 at this station ⁽⁴⁾ _____ ⁽⁵⁾ _____ parcels, ⁽⁶⁾ _____ marks, numbers
 at this port of _____ of the gross weight of _____ kilog., containing ⁽⁷⁾ _____,
 which merchandize is the produce of this country, and is intended to proceed to the Spanish Custom-house of ⁽⁸⁾ _____, consigned to ⁽⁹⁾ _____,
 for the purpose of being retransmitted to Mr. ⁽¹⁰⁾ _____,
 at ⁽¹¹⁾ _____.

(Date, signature, and seal.)

(1) Name of the authority issuing the document.

(2) Name of the manufacturer or merchant. (3) Date.

(4) Name of the railway station or port.

(5) Number of parcels. (6) Quality of parcels.

(7) General description of the merchandize.

(8) Name of the Custom-house.

(9) Name of the consignee, if any. (10) Name of the receiver.

(11) Name of the place of destination.

(L.S.) COUNT DE SAO MIGUEL.

(L.S.) EL MARQUÉS DE LA VEGA DE ARMIJO.

FINAL PROTOCOL.

THE undersigned Plenipotentiaries having met this day to proceed to the signature of the preceding Treaty of Commerce and Navigation, agreed upon the following declarations, which form an integral part of the same Treaty :—

I.—As regards the Text of the Treaty.

To Article VII.—It is expressly laid down, with respect to navigation, that Spain will enjoy in Portugal, in the territory in the Peninsula, and in the Archipelago of Madeira and the Azores, the treatment enjoyed by those nations with which Portugal has Treaties at present, as well as the treatment which may in future be accorded by Portugal to other nations. After the 10th July, 1895, when the Treaty of Commerce and Navigation between Portugal and Sweden will expire, Spain will not enjoy the advantages at present accorded in virtue of those Treaties to the South African Republic and to the Orange Free State.

To Article XVII.—The two Governments will appoint as soon as possible their respective Commissioners, who will draw up the special Regulations which are the complement of this Treaty, and the bases of which are included in the Appendices annexed to the same, Nos. 1, 2, 3, and 4.

II.—With reference to all the Schedules.

The particle *ex* which precedes the designation of some of the items of the Schedules means that, in addition to the products mentioned after the number, and which are the subject of special treatment, the said items of the Schedule comprise other articles of merchandize which are expressly excluded from the régime laid down in those Schedules.

III.—With reference to Schedule (A).

To No. 9.—The exemption from duty of ordinary timber in branches or pieces, unbarked or barked by hatchet, is only intended for timber imported from Portugal into Spain; similar timbers coming from Spain will be subject to the régime laid down as regards trade by sea.

To No. 39.—The free entry is solely for the mineral waters of Spain and Portugal, the origin of these in either country being proved by the labels and marks.

To No. 40.—The exemption from the payment of duty on coal

solely applies to coal imported into Portugal from Spain. Coal from Portugal will be subject to the régime laid down for maritime trade.

IV.—*Addition to Schedule (B).*

1. It is hereby declared that the conveyance of fruit produced on farms divided by the frontier is to be regulated by common agreement between the Governments of the two countries, in the manner which may be most beneficial to their mutual interests.

V.—*With reference to Schedules (C) and (D).*

To Nos. 3 and 229.—The mark is 1 metre 47 centim.

To Nos. 349 and 293.—Oysters whose maximum weight does not exceed 22 kilog. per 1,000 are to be considered as oysters for oyster culture, and also with reference to the application of this rate of duty.

To Nos. 351 and 292.—Fish, salted, smoked, or dried (except cod-fish), coming from any third country, will pay in Portugal and Spain a duty of 2\$160 reis (9s. $7\frac{1}{2}d.$), equal to 12 pesetas per 100 kilog.

VI.—*With reference to Appendix No. 6.*

To Article 4a.—It is expressly declared that the maritime line of the Guadiana shall be fixed by common agreement within the term set forth in the notes exchanged on this date between the two Plenipotentiaries, on the basis that the middle line, starting from the centre of the line of the mouth of the river, will descend in the direction of the junction of the “thalwegs” of the two bars, so that both Portugal and Spain will be able to navigate in their own waters. From this point it will follow a course to the south-west, for a distance of 6 to 12 miles, until it reaches the last of the meridians proposed by the Spanish Commissioners, and thence to the extreme point of the zones.

Madrid, March 27, 1893.

(L.S.) COUNT DE SAO MIGUEL.

(L.S.) EL MARQUÉS DE LA VEGA DE ARMIJO

TREATY between the United States of America and the Kingdom of Sweden, for the Extradition of Criminals.—Signed at Washington, January 14, 1893.

[Ratifications exchanged at Washington, March 18, 1893.]

THE United States of America and His Majesty the King of Sweden and Norway, being desirous to confirm their friendly relations and to promote the cause of justice, have resolved to conclude a new Treaty for the extradition of fugitives from justice between the United States of America and the Kingdom of Sweden, and have appointed for that purpose the following Plenipotentiaries :

The President of the United States of America, John W. Foster, Secretary of State of the United States; and

His Majesty the King of Sweden and Norway, J. A. W. Grip, His Majesty's Envoy Extraordinary and Minister Plenipotentiary to the United States;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following Articles :—

ART. I. The Government of the United States and the Government of Sweden mutually agree to deliver up persons who, having been charged with, or convicted of, any of the crimes and offences specified in the following Article, committed within the jurisdiction of one of the Contracting Parties, shall seek an asylum or be found within the territories of the other: Provided that this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his or her apprehension and commitment for trial, if the crime or offence had been there committed.

II. Extradition shall be granted for the following crimes and offences :—

1. Murder, comprehending assassination, parricide, infanticide, and poisoning; attempt to commit murder; the killing of a human being, when such act is punishable in the United States as voluntary manslaughter, and in Sweden as manslaughter;

2. Arson;

3. Robbery, defined to be the act of feloniously and forcibly taking from the person of another money or goods, by violence or putting him in fear; burglary; also house-breaking or shop-breaking;

4. Forgery, or the utterance of forged papers; the forgery or falsification of official Acts of Government, of public authorities, or of Courts of Justice, or the utterance of the thing forged or falsified;

5. The counterfeiting, falsifying, or altering of money, whether coin or paper, or of instruments of debt created by National, State, Provincial, or Municipal Governments, or of coupons thereof, or of bank-notes, or the utterance or circulation of the same; or the counterfeiting, falsifying, or altering of seals of State;

6. Embezzlement by public officers; embezzlement by persons hired or salaried, to the detriment of their employers; larceny; obtaining money, valuable securities, or other property by false pretences, or receiving money, valuable securities, or other property, knowing the same to have been embezzled, stolen, or fraudulently obtained, when such act is made criminal by the laws of both countries, and the amount of money or the value of the property fraudulently obtained or received is not less than 200 dollars or 740 kroner;

7. Fraud or breach of trust by a bailee, banker, agent, factor, trustee, or other person, acting in a fiduciary capacity, or director, or member, or officer of any Company, when such act is made criminal by the laws of both countries, and the amount of money or the value of the property misappropriated is not less than 200 dollars or 740 kroner;

8. Perjury; subornation of perjury;

9. Rape; abduction; kidnapping;

10. Wilful and unlawful destruction or obstruction of railroads which endangers human life;

11. Crimes committed at sea:

(a.) Piracy, by Statute or by the law of nations;

(b.) Revolt, or conspiracy to revolt, by two or more persons on board a ship on the high seas, against the authority of the master;

(c.) Wrongfully sinking or destroying a vessel at sea, or attempting to do so;

(d.) Assaults on board a ship on the high seas, with intent to do grievous bodily harm;

12. Crimes and offences against the laws of both countries for the suppression of slavery and slave-trading.

Extradition is also to take place for participation in any of the crimes and offences mentioned in this Treaty, provided such participation may be punished, in the United States as a felony, and in Sweden by imprisonment at hard labour.

III. Requisitions for the surrender of fugitives from justice shall be made by the Diplomatic Agents of the Contracting Parties, or, in the absence of these from the country or its seat of Government, may be made by the superior Consular officers.

If the person whose extradition is requested shall have been convicted of a crime or offence, a duly authenticated copy of the sentence of the Court in which he was convicted, or if the fugitive is merely charged with crime, a duly authenticated copy of the warrant of arrest in the country where the crime has been committed, and of the depositions or other evidence upon which such warrant was issued, shall be produced.

The extradition of fugitives under the provisions of this Treaty shall be carried out in the United States and Sweden respectively in conformity with the laws regulating extradition for the time being in force in the State on which the demand for surrender is made.

IV. Where the arrest and detention of a fugitive are desired on telegraphic or other information in advance of the presentation of formal proofs, the proper course in the United States shall be to apply to the Judge or other Magistrate authorized to issue warrants of arrest in extradition cases, and present a complaint on oath, as provided by the Statutes of the United States.

In the Kingdom of Sweden the proper course shall be to apply to the Foreign Office, which will immediately cause the necessary steps to be taken in order to secure the provisional arrest and detention of the fugitive.

The provisional detention of a fugitive shall cease, and the prisoner be released, if a formal requisition for his surrender, accompanied by the necessary evidence of his criminality, has not been produced, under the stipulations of this Treaty, within two months from the date of his provisional arrest or detention.

V. Neither of the Contracting Parties shall be bound to deliver up its own citizens or subjects under the stipulations of this Treaty.

VI. A fugitive criminal shall not be surrendered if the offence in respect of which his surrender is demanded be of a political character, or if he proves that the requisition for his surrender has, in fact, been made with a view to try or punish him for an offence of a political character.

No person surrendered by either of the High Contracting Parties to the other shall be triable or tried or be punished for any political crime or offence, or for any act connected therewith, committed previously to his extradition.

If any question shall arise as to whether a case comes within the provisions of this Article, the decision of the authorities of the Government on which the demand for surrender is made, or which may have granted the extradition, shall be final.

VII Extradition shall not be granted, in pursuance of the provisions of this Treaty, if legal proceedings or the enforcement of the penalty for the act committed by the person claimed has become

barred by limitation, according to the laws of the country to which the requisition is addressed.

VIII. No person surrendered by either of the High Contracting Parties to the other shall, without his consent, freely granted and publicly declared by him, be triable or tried, or be punished, for any crime or offence committed prior to his extradition, other than that for which he was delivered up, until he shall have had an opportunity of returning to the country from which he was surrendered.

IX. All articles seized which are in the possession of the person to be surrendered at the time of his apprehension, whether being the proceeds of the crime or offence charged, or being material as evidence in making proof of the crime or offence, shall, so far as practicable, and in conformity with the laws of the respective countries, be given up when the extradition takes place. Nevertheless, the rights of third parties with regard to such articles shall be duly respected.

X. If the individual claimed by one of the High Contracting Parties, in pursuance of the present Treaty, shall also be claimed by one or several other Powers on account of crimes or offences committed within their respective jurisdictions, his extradition shall be granted to the State whose demand is first received: Provided that the Government from which extradition is sought is not bound by Treaty to give preference otherwise.

XI. The expenses incurred in the arrest, detention, examination, and delivery of fugitives under this Treaty shall be borne by the State in whose name the extradition is sought: Provided that the demanding Government shall not be compelled to bear any expense for the services of such public officers of the Government from which extradition is sought as receive a fixed salary; and provided that the charge for the services of such public officers as receive only fees or perquisites shall not exceed their customary fees for the acts or services performed by them, had such acts or services been performed in ordinary criminal proceedings under the laws of the country of which they are officers.

XII. The present Treaty shall take effect on the thirtieth day after the date of the exchange of ratifications, and shall not operate retroactively. On the day on which it takes effect the Convention of the 21st March, 1860,* shall, as between the Governments of the United States and of Sweden, cease to be in force except as to crimes therein enumerated and committed prior to that day.

The ratifications of the present Treaty shall be exchanged at Washington as soon as possible, and it shall remain in force for

* Vol. LIII, page 602.

a period of six months after either of the Contracting Governments shall have given notice of a purpose to terminate it.

In witness whereof the respective Plenipotentiaries have signed the above Articles, and have hereunto affixed their seals.

Done in duplicate at the city of Washington this 14th day of January, 1893.

(L.S.) JOHN W. FOSTER.

(L.S.) J. A. W. GRIP.

TREATY between the United States of America and the Kingdom of Norway, for the Extradition of Criminals.—Signed at Washington, June 7, 1893.

[Ratifications exchanged at Washington, November 8, 1893.]

THE United States of America and His Majesty the King of Sweden and Norway, being desirous to confirm their friendly relations and to promote the cause of justice, have resolved to conclude a new Treaty for the extradition of fugitives from justice between the United States of America and the Kingdom of Norway, and have appointed for that purpose the following Plenipotentiaries:

The President of the United States of America, W. Q. Gresham, Secretary of State of the United States; and

His Majesty the King of Sweden and Norway, J. A. W. Grip, His Majesty's Envoy Extraordinary and Minister Plenipotentiary to the United States;

Who, after having communicated to each other their respective full powers, found in good

AMERIKAS Forenede Stater og Hans Majestæt Kongen af Sverige og Norge, der ønsker at bestyrke sit venskabelige Forhold og at befordre Justitspleien, har besluttet at indgaa en ny Traktat angaaende Udlivering af undvegne Forbrydere mellem Amerikas Forenede Stater og Kongeriget Norge og har i det Öiemed udnævnt fölgende Befuldmægtigede:

Amerikas Forenede Staters President, W. Q. Gresham, Amerikas Forenede Staters Statssecretair; og

Hans Majestæt Kongen af Sverige og Norge, J. A. W. Grip, Hans Majestæts Envoyé Extraordinaire og Ministre Plénipotentiaire i Amerikas Forenede Stater;

Der, efter at have meddelt hinanden sine respektive Fuldmagter, som befandtes i god og

and due form, have agreed upon and concluded the following Articles:—

ART. I. The Government of the United States and the Government of Norway mutually agree to deliver up persons who, having been charged with or convicted of any of the crimes and offences specified in the following Article, committed within the jurisdiction of one of the Contracting Parties, shall seek an asylum or be found within the territories of the other: Provided that this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his or her apprehension and commitment for trial if the crime or offence had been there committed.

II. Extradition shall be granted for the following crimes and offences:

1. Murder, comprehending assassination, parricide, infanticide, and poisoning; attempt to commit murder; manslaughter, when voluntary;

2. Arson;

3. Robbery, defined to be the act of feloniously and forcibly taking from the person of another money or goods, by violence or putting him in fear; burglary;

4. Forgery, or the utterance of forged papers; the forgery or falsification of official Acts of Government, of public authorities, or of Courts of Justice, or

tilbørlig Orden, er blevne enige om og har afsluttet følgende Artikler:—

ART. I. De Forenede Staters Regjering og Norges Regjering er enige om gjensidig at udlevere Personer, som er sigtede for eller kjendte skyldige i nogen af de i den følgende Artikel opregnede Forbrydelser og Forseelser, begaaede inden den ene af de kontraherende Parters Jurisdiction, og som søger Tilflugt eller bliver antrufne inden den anden Parts Territorier, forudsat at der fremskaffes, et saadant Bevis for Strafskyld, som overensstemmende med det Lands Love, hvor den Undvegne eller Sigtede antræffes, vilde retfærdiggjøre hans eller hendes Paagribelse og Fremstilling for Retten, saa fremt Forbrydelsen eller Forseelsen der var bleven begaaet.

II. Udlevering skal tilstaaes for følgende Forbrydelser og Forseelser:

1. Mord, derunder indbefattet Snigmord, Mord paa Forældre, Barnemord og Giftmord; Forsøg paa Mord, forsætligt Drab;

2. Mortbrand;

3. Røveri, hvorved skal forstaaes ulovlig Bemægtigelse af Penge eller Gods fra en anden Person ved Anvendelse af Vold eller Trudser; Indbrud;

4. Forfalskning eller Udgivelse af forfalskede Papirer; Eftergjørelse eller Forfalskning af Regjeringens, offentlige Mynigheders eller Retternes em-

the utterance of the thing forged or falsified ;

5. The counterfeiting, falsifying or altering of money, whether coin or paper, or of instruments of debt created by National, State, Provincial, or Municipal Governments, or of coupons thereof, or of banknotes, or the utterance or circulation of the same ; or the counterfeiting, falsifying or altering of seals of State ;

6. Embezzlement by public officers ; embezzlement by persons hired or salaried, to the detriment of their employers ; larceny ;

7. Fraud or breach of trust by a bailee, banker, agent, factor, trustee, or other person acting in a fiduciary capacity, or director or member or officer of any Company, when such act is made criminal by the laws of both countries and the amount of money or the value of the property misappropriated is not less than 200 dollars or 740 kroner ;

8. Perjury ; subornation of perjury ;

9. Rape ; abduction ; kidnapping ;

10. Wilful and unlawful destruction or obstruction of railroads which endangers human life ;

bedsmæssige Aktstykker eller Udgivelse af den eftergjorte eller forfalskede Gjenstand ;

5. Eftergjørelse, Forfalskning eller Forandring af Penge, det være sig Mynt eller Papirpenge, eller af Gjældsbeviser, udstedte af Regjeringen, af en Stat, af en Provinds- eller Kommunebestyrelse, eller af dertil hørende Kupons, eller af Banknoter, eller Udgivelse eller Bringen i Omløb af samme ; eller Eftergjørelse, Forfalskning eller Forandring af Statens Segl ;

6. Underslag, begaaet af offentlige Funktionærer eller af leiede eller lønnede Personer til Skade for deres Principaler ; Tyveri ;

7. Bedrageri eller Brud paa Tillid, forøvet af en Depositær, Bankier, Agent, Faktor, Bestyrer eller anden Person, der handler i Egenskab af Tillidsmand, eller af en Direktør for eller et Medlem af eller en Betjent ved et Interessentskab, naar saadan Handling er strafbar efter begge Landes Love, og Beløbet af de Penge eller Værdien af de Gjenstande, der er svigagtig erhvervede eller modtagne, ikke er mindre end 200 dollars eller 740 kroner.

8. Mened ; Anstiftelse af Mened ;

9. Voldtægt ; Bortførelse af Kvinde mod hendes Vilje ; Berøvelse af andres Frihed ;

10. Forsætlig og ulovlig bevirket Ödelæggelse eller Hindring af Jerubane, naar samme er forbundet med Fare for Menneskeliv ;

11. Crimes committed at sea :

(a.) Piracy, by Statute or by the law of nations ;

(b.) Revolt, or conspiracy to revolt, by two or more persons on board a ship on the high seas against the authority of the master ;

(c.) Wrongfully sinking or destroying a vessel at sea, or attempting to do so ;

(d.) Assaults on board a ship on the high seas with intent to do grievous bodily harm ;

12. Crimes and offences against the laws of both countries for the suppression of slavery and slave-trading.

Extradition is also to take place for participation in any of the crimes and offences mentioned in this Treaty, provided such participation may be punished, in the United States as a felony, and in Norway by imprisonment at hard labour.

III. Requisitions for the surrender of fugitives from justice shall be made by the Diplomatic Agents of the Contracting Parties, or, in the absence of these from the country or its seat of Government, may be made by the superior Consular officers.

If the person whose extradition is requested shall have been convicted of a crime or offence, a duly authenticated copy of the sentence of the Court in which he was convicted, or, if the fugitive is merely charged with crime, a duly authenticated copy of the

11. Forbrydelser begaaede paa Søen :

(a.) Söröveri ifölge Lov eller ifölge Folkeretten ;

(b.) Mytteri eller Sammenrottelse af to eller flere Personer for at gjøre Mytteri ombord paa Skib i aaben Sø mod Skipperens Myndighed ;

(c.) Uretmæssig Sænkning eller Odelæggelse af Fartøi i Søen eller Forsøg paa saadant ;

(d.) Angreb paa Person ombord paa Skib i aaben Sø i Hensigt at tilføie betydlig legemlig Skade ;

12. Forbrydelser og Forseelser mod begge Landes Love til Undertrykkelse af Slaveri og Slavehandel.

Udlevering skal ligeledes finde Sted for Delagtighed i nogen af de i denne Traktat nævnte Forbrydelser og Forseelser, forsaa-vidt saadan Delagtighed bliver at straffe i de Forenede Stater som "felony" og i Norge med strengere Straf end Fængsel.

III. Forlangende om Udlevering af undvegne Forbrydere skal fremsættes gjennem de kontraherende Parters Diplomatiske Agenter eller i disses Fravær fra Landet eller den By, hvori Regjeringen har sit Sæde, gjennem de överste Konsulartjenestemænd.

Dersom den Person, hvis Udlevering er forlangt, er kjendt skyldig i en Forbrydelse eller Forseelse, skal der fremlægges en tilbörlig bekræftet Udskrift af den Dom, ved hvilken han er kjendt skyldig, eller, dersom den Undvegne alene er sigtet for en

warrant of arrest in the country where the crime has been committed, and of the depositions or other evidence upon which such warrant was issued, shall be produced.

The extradition of fugitives under the provisions of this Treaty shall be carried out in the United States and in Norway, respectively, in conformity with the laws regulating extradition for the time being in force in the State on which the demand for surrender is made.

IV. Where the arrest and detention of a fugitive are desired on telegraphic or other information in advance of the presentation of formal proofs, the proper course in the United States shall be to apply to a Judge or other Magistrate authorized to issue warrants of arrest in extradition cases and present a complaint on oath, as provided by the Statutes of the United States.

When, under the provisions of this Article, the arrest and detention of a fugitive are desired in the Kingdom of Norway, the proper course shall be to apply to the Foreign Office, which will immediately cause the necessary steps to be taken in order to secure the provisional arrest or detention of the fugitive.

Forbrydelse, skal der fremlægges en tilbørlig bekræftet Gjenpart af det Arrestdekret, som er udstedt i det Land, i hvilket Forbrydelsen er begaaet, samt af de retslige Forklaringer eller andre Bevisligheder, i Henhold til hvilke saadant Dekret er udstedt.

Udlevering af undvegne Forbrydere i Henhold til denne Traktats Bestemmelser skal ske respektive i de Forenede Stater og i Norge overensstemmende med de Love, angaaende Udlevering, som paa den Tid er gjældende i den Stat, hos hvilken Udlevering bliver begjært.

IV. Hvis en undvegen Forbryders Paagribelse og Fængsling begjæres enten telegrafisk eller gennem anden Meddelelse, forinden de formelige Beviser fremlægges, skal den rigtige Fremgangsmaade i de Forenede Stater være at henvende sig til en Dommer eller anden Embedsmand, der er bemyndiget til at udstede Arrestordre i Udleveringstilfælde, og for ham at fremlægge en edelig Klage, saaledes som det er bestemt i de Forenede Staters Love.

For undvegen Forbryders Paagribelse og Fængsling i Kongeriget Norge i Medfør af denne Artikel skal den rigtige Fremgangsmaade være at henvende sig til Udenrigsdepartementet, der ufortøvet vil foranledige, at der tages de növendige Skridt for at sikre sig den Undvegnes foreløbige Paagribelse eller Fængsling.

The provisional detention of a fugitive shall cease and the prisoner be released if a formal requisition for his surrender, accompanied by the necessary evidence of his criminality, has not been produced under the stipulations of this Treaty, within two months from the date of his provisional arrest or detention.

V. Neither of the Contracting Parties shall be bound to deliver up its own citizens or subjects under the stipulations of this Treaty.

VI. A fugitive criminal shall not be surrendered if the offence in respect of which his surrender is demanded be of a political character, or if he proves that the requisition for his surrender has, in fact, been made with a view to try or punish him for an offence of a political character.

No person surrendered by either of the High Contracting Parties to the other shall be triable or tried, or be punished, for any political crime or offence, or for any act connected therewith, committed previously to his extradition.

If any question shall arise as to whether a case comes within the provisions of this Article, the decision of the authorities of the Government on which the demand for surrender is made, or which may have granted the extradition, shall be final.

Den foreløbige Fængsling af en undvegen Forbryder skal ophøre og den Fængslede løslades, dersom der ikke inden 2 Maaneder fra Dagen for hans foreløbige Paagribelse eller Fængsling overensstemmende med denne Traktats Bestemmelser er tilveiebragt en formelig Begjæring om hans Udlevering, ledsaget af det nødvendige Bevis for hans Skyld.

V. Ingen af de Kontraherende Parter skal være forpligtet til i Henhold til denne Traktats Bestemmelser at udlevere sine egne Borgere eller Undersaatter.

VI. En undvegen Forbryder skal ikke udleveres, hvis den Overtrædelse, for hvis Skyld hans Udlevering er begjært, er af politisk Art, eller hvis han godtgjør, at Begjæringen om hans Udlevering i Virkeligheden er fremsat i Hensigt at tiltale eller straffe ham for en Overtrædelse af politisk Art.

Ingen, der er udleveret fra den ene af de Høie Kontraherende Parter til den anden, skal kunne tiltales eller straffes for en politisk Forbrydelse eller Overtrædelse eller for en med en saadan forbunden Handling, naar denne er begaaet for hans Udlevering.

Hvis der opstaar Spørgsmaal om, hvorvidt en Sag indgaar under Bestemmelserne i denne Artikel, skal den Regjerings Afgjørelse, for hvilken Begjæringen om Udlevering er fremsat, eller som maatte have indrømmet Udleveringen, være endelig.

VII. Extradition shall not be granted, in pursuance of the provisions of this Treaty, if legal proceedings or the enforcement of the penalty for the act committed by the person claimed has become barred by limitation, according to the laws of the country to which the requisition is addressed.

VIII. No person surrendered by either of the High Contracting Parties to the other shall, without his consent, freely granted and publicly declared by him, be triable or tried or be punished for any crime or offence committed prior to his extradition, other than that for which he was delivered up, until he shall have had an opportunity of returning to the country from which he was surrendered.

IX. All articles seized which are in the possession of the person to be surrendered at the time of his apprehension, whether being the proceeds of the crime or offence charged, or being material as evidence in making proof of the crime or offence, shall, so far as practicable and in conformity with the laws of the respective countries, be given up when the extradition takes place. Nevertheless, the rights of third parties with regard to such articles shall be duly respected.

X. If the individual claimed by one of the High Contracting Parties, in pursuance of the present Treaty, shall also be claimed by one or several other Powers on account of crimes or offences

VII. Udlevering skal ikke tilstaaes i Medfør af denne Traktats Bestemmelser, saafremt der med Hensyn til Paatale af eller Straf for den Handling, der er begaaet af den reklamerede Person, er indtraadt Præscription overensstemmende med Lovene i det Land, til hvilket Begjæringen rettes.

VIII. Ingen, der er udleveret fra den ene af de Høie Kontraherende Parter til den anden, maa uden hans eget frivillig og offentlig afgivne Samtykke tiltales eller straffes for nogen anden Forbrydelse eller Forseelse, der er begaaet før hans Udlevering, end den, for hvilken han er bleven udleveret, forinden han har havt Leilighed til at vende tilbage til det Land, fra hvilket han blev udleveret.

IX. Alle i Forvaring tagne Gjenstande, som var i den Persons Besiddelse, som skal udleveres, paa den Tid, da han blev paagreben, hvad enten de bestaar i Udbytte af den Forbrydelse eller Forseelse, hvorfor han er anklaget, eller det er Bevismateriale for dens Forövelse, skal saavidt muligt og overensstemmende med de respektive Landes Love, udleveres samtidig med Angjældende. Dog skal Trediemands Rettigheder med Hensyn til saadanne Gjenstande tilbørlig respekteres.

X. Hvis en Person, der er forlangt udleveret af en af de Høie Kontraherende Parter i Henhold til nærværende Traktat, ligeledes skulde blive forlangt udleveret af en eller flere

committed within their respective jurisdictions, his extradition shall be granted to the State whose demand is first received: Provided that the Government from which extradition is sought is not bound by Treaty to give preference otherwise.

XI. The expenses incurred in the arrest, detention, examination, and delivery of fugitives under this Treaty shall be borne by the State in whose name the extradition is sought: Provided that the demanding Government shall not be compelled to bear any expense for the services of such public officers of the Government from which extradition is sought as receive a fixed salary; and provided that the charge for the services of such public officers as receive only fees or perquisites shall not exceed their customary fees for the acts or services performed by them had such acts or services been performed in ordinary criminal proceedings under the laws of the country of which they are officers.

XII. The present Treaty shall take effect on the thirtieth day after the date of the exchange of ratifications, and shall not operate retroactively. On the day on which it takes effect the Convention of the 21st March, 1860,* shall, as between the Govern-

andre Magter paa Grund af Forbrydelser eller Forseelser, begaaede i deres respektive Jurisdiktioner, skal hans Udlevering indrømmes den Stat, hvis Begjæring herom først indløber, forudsat at ikke den Regjering, hos hvem Udlevering er forlangt, ved Traktat er forpligtet til paa anden Maade at give nogen Fortrinet.

XI. Udgifter bevirkede ved undvegne Forbryderes Paagrielse, Arrest, Afhørelse og Udlevering i Henhold til denne Traktat skal bæres af den Stat, i hvis Navn Udleveringen er begjært; dog skal den reklamerende Regjering ikke være forpligtet til at yde Betaling for Bistand, ydet af saadanne offentlige Tjenestemænd under den Regjering, hos hvilken Udlevering begjæres, som oppebærer fast Løn; heller ikke skal Betalingen for Bistand, ydet af saadanne offentlige Tjenestemænd, der alene oppebærer Salær eller Sportler, overstige deres sædvanlige Godtgjørelse for de af dem udførte Tjenestehandlinger, saafremt disse havde været udførte under en almindelig kriminel Retsforfølgning efter Lovene i deres eget Land.

XII. Nærværende Traktat træder i Kraft den 30te Dag efter Ratifikationernes Udveksling og skal ikke have tilbagevirkende Kraft. Fra den Dag, den træder i Kraft, skal Konventionen af 21de Marts, 1860,* ophøre at være gjældende mellem de Fore-

ments of the United States and of Norway, cease to be in force except as to crimes therein enumerated and committed prior to that day.

The ratifications of the present Treaty shall be exchanged at Washington as soon as possible, and it shall remain in force for a period of six months after either of the Contracting Governments shall have given notice of a purpose to terminate it.

In witness whereof the respective Plenipotentiaries have signed the above Articles, both in the English and the Norwegian languages, and have hereunto affixed their seals.

Done in duplicate at the city of Washington, this 7th day of June, 1893.

(L.S.) WALTER Q.
GRESHAM.

(L.S.) J. A. W. GRIP.

nede Staters og Norges Regjeringer, undtagen forsaavidt angaar de i den opregnede Forbrydelser, der er begaaede før nævnte Dag.

Ratifikationerne vedkommende denne Traktat skal udvexles i Washington saa snart som muligt, og den skal forblive i Kraft i et Tidsrum af 6 Maaneder efterat en af de Kontraherende Regjeringer har givet tilkjende sin Hensigt at ophæve samme.

Til Bekræftelse herpaa har de respektive Befuldmægtigede underskrevet ovennævnte Artikler, affattede baade i det engelske og i det norske Sprog, samt herunder fæstet sine Segl.

Givet in duplo i Washington paa den syvende Dag i Juni, 1893.

(L.S.) WALTER Q.
GRESHAM.

(L.S.) J. A. W. GRIP.

DEUXIÈME DÉCLARATION ADDITIONNELLE à la Convention d'Extradition du 23 Octobre, 1872, entre la Belgique et le Grand-Duché de Luxembourg. — Signée à Luxembourg, le 25 Avril, 1893.*

LE Gouvernement de Sa Majesté le Roi des Belges et le Gouvernement de Son Altesse Royale le Grand-Duc de Luxembourg, ayant jugé utile de modifier en certains points la Convention d'Extradition du 23 Octobre, 1872, sont convenus par la présente Déclaration de ce qui suit:—

ART. I. L'Article VII de la Convention du 23 Octobre, 1872, est remplacé par les dispositions suivantes:

* Vol. LXII, page 670.

“Il est expressément stipulé que l'étranger dont l'extradition aura été accordée ne pourra être poursuivi ou puni pour aucun délit politique antérieur à l'extradition, ni pour aucun fait connexe à un semblable délit, ni pour aucun des crimes ou délits non prévus par la présente Convention.

“Ne sera pas réputé délit politique ni fait connexe à un semblable délit, l'attentat contre la personne du Chef d'un État étranger ou contre celle des membres de sa famille, lorsque cet attentat constituera le fait soit de meurtre, soit d'assassinat, soit d'empoisonnement.

“L'individu extradé pourra toutefois être poursuivi ou puni contradictoirement dans les cas suivants, pour une infraction autre que celle qui a motivé l'extradition :

“1. S'il a demandé à être jugé ou à subir sa peine, auquel cas sa demande sera communiquée au Gouvernement qui l'a livré ;

“2. S'il n'a pas quitté, pendant le mois qui suit son élargissement définitif, le pays auquel il a été livré ;

“3. Si l'infraction est comprise dans la Convention, et si le Gouvernement auquel il a été livré a obtenu préalablement l'adhésion du Gouvernement qui a accordé l'extradition. Ce dernier pourra, s'il le juge convenable, exiger la production de l'un des documents mentionnés dans l'Article III de la Convention.

“La réextradition à un pays tiers est soumise aux mêmes règles.”

II. La présente Déclaration entrera en vigueur dix jours après sa publication dans les formes prescrites par la législation des deux pays ; elle aura la même durée que la Convention du 23 Octobre, 1872, et la Déclaration du 21 Juin, 1877,* auxquelles elle se rapporte.

En foi de quoi les Soussignés ont dressé le présent Acte, qu'ils ont revêtu de leurs cachets.

Fait en double exemplaire, à Luxembourg, le 25 Avril, 1893.

(L.S.) COMTE ARSCHOT, *Chargé d'Affaires ad interim de Belgique.*

(L.S.) EYSCHEN, *Ministre d'État, Président du Gouvernement du Grand-Duché du Luxembourg.*

CONVENTION entre la Belgique et la France, modifiant la Délimitation de la Frontière Belge-Française entre Roisin et Gussignies, et approuvant les Cessions de Territoire résultant de cette modification.—Signée à Paris, le 15 Mars, 1893.

[Ratifications échangées à Paris, le 29 Octobre, 1897.]

SA Majesté le Roi des Belges et le Président de la République Française, ayant reconnu l'utilité d'une vérification de la frontière Belge-Française décrite dans les §§ 3 à 7 inclusivement de l'Article 29 du Procès-verbal de la Délimitation entre les Royaumes des Pays-Bas et de France, comprenant la partie entre l'Escaut et la Sambre, 3^e section, annexé au Traité de Limites signé à Courtrai, le 28 Mars, 1820,* et ayant fait procéder aux études préliminaires, ont résolu de consacrer par une Convention les résultats de ces travaux. A cet effet ils ont nommé pour leurs Plénipotentiaires, savoir :

SA Majesté le Roi des Belges, M. le Baron Beyens, son Envoyé Extraordinaire et Ministre Plénipotentiaire près le Gouvernement de la République Française, Grand Officier de son Ordre Royal de Léopold, Grand Officier de l'Ordre National de la Légion d'Honneur, &c.; et

Le Président de la République Française, M. Jules Develle, Député, Ministre des Affaires Étrangères, &c.;

Lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus de ce qui suit :—

ART. I. Sont approuvés—

1. Le procès-verbal de délimitation de la frontière Belge-Française entre Roisin et Gussignies, dressé, le 1^{er} Septembre, 1890, par MM. Honorez, Inspecteur-Provincial du Service Voyer de la Province de Hainaut, et Jaumin, Inspecteur d'Arrondissement du Service Voyer à Mons, Délégués pour le Gouvernement Belge, d'une part; et par MM. Veilhan, Ingénieur des Ponts et Chaussées à Valenciennes, et Colot, Maire de Gussignies, Délégués du Gouvernement Français, d'autre part;

2. Le plan joint au procès-verbal du 1^{er} Septembre, 1890, à l'échelle de $\frac{1}{10000}$;

3. Les cessions de territoires telles qu'elles ont été arrêtées de commun accord par les Délégués des deux pays dans un procès-verbal signé le 20 Juin, 1891.

Les procès-verbaux et plan susvisés demeureront annexés à la présente Convention dont ils font partie intégrante.

II. L'abornement se fera conformément aux dispositions actuellement en vigueur entre la Belgique et la France.

III. La présente Convention sera ratifiée, et les ratifications seront échangées à Paris, aussitôt que faire se pourra.

En foi de quoi les Plénipotentiaires respectifs ont signé la présente Convention et y ont apposé leurs cachets.

Fait, en double, à Paris, le 15 Mars, 1893.

(L.S.) BARON BEYENS.

(L.S.) JULES DEVELLE.

PROCÈS-VERBAL de Délimitation de la Frontière Franco-Belge entre Roisin et Gussignies.—Le 1^{er} Septembre, 1890.

L'AN 1888, le 13 Décembre, les Soussignés,

Honorez, Inspecteur-Provincial du Service Voyer du Hainaut, Jaumin, Inspecteur d'Arrondissement du Service Voyer à Mons, Délégués par le Gouvernement Belge, d'une part ;

Veilhan, Ingénieur des Ponts et Chaussées à Valenciennes, Colot, Maire de Gussignies, Délégués par le Gouvernement Français, d'autre part ;

Se sont réunis à Roisin-Gussignies à l'effet de rechercher et indiquer les modifications apportées dans les limites de la frontière entre la France et la Belgique, aux abords de la Gare de Roisin, de déterminer l'emplacement des bornes plantées en exécution du Traité de 1820, avec indication de celles ayant disparu, et enfin de dresser le plan des lieux.

Après avoir visité les lieux et en avoir dressé le plan, pris connaissance du texte du procès-verbal de délimitation et s'être entourés de tous les renseignements nécessaires auprès des personnes les plus âgées et les plus honorables du pays, les Soussignés ont consigné, dans le Tableau ci-après, le résultat de leurs investigations, en mettant, en regard du texte du procès-verbal, les changements survenus depuis sa rédaction, et enfin le texte nouveau qu'ils proposent d'adopter, de concert avec le Maire de Gussignies et le Bourgmestre de Roisin :—

Texte du Procès-verbal de Délimitation.

§ 3. De ce point, se dirigeant au nord-est, la limite suit, sur une longueur de 110 mètres environ, l'axe du chemin conduisant au moulin de Gussignies jusque vis-à-vis et à 33 mètres environ du pont du dit moulin; à ce point, il sera planté une borne.

§ 4. De là, quittant le chemin et tournant à l'ouest, la limite est formée par une haie vive, sinueuse, qui clôt une pâture à M. de Louvencourt sur les Pays-Bas, jusqu'au point où elle joint la petite rivière de l'Hogneau, où il sera planté une borne.

§ 5. De là, se dirigeant au sud-ouest, la limite suit la dite rivière jusqu'à un petit fossé sur la rive droite, entre le terrain communal de Gussignies et la dite pâture de M. de Louvencourt; à ce fossé il sera planté une borne.

Situation actuelle des lieux et changements opérés.

La borne a disparu, mais une partie est implantée dans le mur d'un bâtiment dépendant du moulin de Gussignies en face son emplacement primitif et à 5 mètres de distance. Il y a lieu de replacer cette borne, qui se trouvera sous le chemin.

La haie a été arrachée sans être réplantée, et il n'en reste aucune trace. La borne existe encore et se trouve dans la berge rive gauche du canal de décharge du moulin de Gussignies, canal de décharge prolongé dans le lit de l'Hogneau, sur environ 65 mètres de longueur, lequel a été reporté sur Gussignies et séparé du canal de décharge par une digue.

Cette borne a disparu; le petit fossé longeant la haie de la pâture a aussi disparu, mais on retrouve son emplacement le long de la haie qui a été arrachée, puis remplacée par une haie nouvelle. Le cours de l'Hogneau a été déplacé ainsi qu'il a été dit plus haut, puis, plus récemment, lors de la construction de la ligne de Cambrai à Dour. L'emplacement de cette borne à pu être assez facilement déterminé par un examen

Nouveau Texte proposé.

§ 3. De ce point, se dirigeant au nord-est, la limite suit, sur une longueur de 110 mètres environ, l'axe du chemin conduisant de Gussignies au P. N. du chemin de fer jusqu'à environ 33 mètres du ponceau élevé sur le canal de décharge du moulin sous ce chemin. A ce point, il sera planté une borne à 5 mètres du bâtiment qui y fait face.

§ 4. De là, quittant le chemin et retournant à l'ouest, la limite est formée par une ligne droite jusqu'au canal de décharge du moulin de Gussignies, où se trouve une borne dont la distance de la précédente est de 44^m70.

§ 5. De là, se dirigeant au sud-ouest, la limite suit l'axe du canal de décharge du moulin de Gussignies et de l'Hogneau, jusqu'au point C', situé en avant du mur en aile rive gauche du pont du chemin de fer de Cambrai à Dour, en formant avec les deux bornes précédentes un angle de 100° 17' et se trouvant en ligne droite à 74^m10 de la borne précédente.

attentif des lieux. Elle se trouve dans le talus du chemin de fer de Cambrai à Dour. Il paraît utile de mettre le sol de ce chemin de fer complètement sur la Belgique et de faire aboutir la frontière au pont sur l'Hogneau.

L'emplacement du petit fossé étant déterminé ainsi qu'il a été dit plus haut, jusqu'à sa rencontre avec la haie du jardin Hostelart la frontière, ainsi qu'il résulte des indications des cadastres de Gussignies et Roisin, suit la haie de ce jardin jusqu'à l'angle de la maison Hostelart; ensuite, par une ligne oblique, elle aboutit à une souche ou pied cormier de l'ancienne haie de la pâture de Louvencourt, laquelle est placée au pied du mur de soutènement du chemin de fer, puis de là, à l'angle côté du chemin de fer de la maison de la Veuve Delhaye, attenante à celle du Sieur Hostelart. Le reste de la haie sinieuse de la pâture de Louvencourt ayant totalement disparu sans qu'il soit possible d'en retrouver de traces, ainsi que la borne plantée au bord de l'Hogneau, il y a lieu remplacer la limite sinieuse, par une ligne droite de 54^m20 de longueur à partir de l'angle de la maison de la Veuve Delhaye, et formant à ce point, avec la souche conservée dont il a été parlé plus haut, un angle de 167° 55'. A ce point il sera planté une borne.

§ 6. De ce point, se dirigeant au nord, la limite suit le dit petit fossé, qui a environ 18 mètres de longueur, et ensuite tourne à l'ouest, en laissant sur la France une petite maison de particulier, et suit, par une ligne anguleuse, une haie qui sépare la dite pâture, appartenant à M. de Louvencourt, du terrain communal de Gussignies jusqu'à la rivière de l'Hogneau, qu'elle rejoint près du chemin de Roisin à Gussignies; il y sera planté une borne.

§ 6. De ce point, la limite suit celle du chemin de fer sur une longueur de 24^m15, jusqu'à une borne *D* formant la limite entre le chemin de fer et le terrain communal de Gussignies, puis, tournant au nord, suit la haie de la pâture Louvencourt jusqu'à la rencontre *E* de celle du jardin du Sieur Hostelart, et cette haie jusqu'à l'angle *F* de la maison du dit, qui reste sur la France. De cet angle la limite aboutit à une souche *G* ou pied de cormier placée au pied du mur de soutènement du chemin de fer, dans l'angle rentrant, ensuite rejoint le dernier angle *H* côté du chemin de fer de la maison de la Veuve Delhaye, pour aboutir, suivant une droite de 54^m20 de longueur, formant avec la limite précédente un angle de 167° 55', près de l'ancien lit de l'Hogneau à sa rencontre avec l'ancien chemin de Gussignies à Roisin. A ce point il sera planté une borne *I*.

Texte du Procès-verbal de Délimitation.

§ 7. De ce point, se dirigeant au nord, la limite est formée par la dite rivière de l'Hogneau, qu'elle descend jusqu'à la rencontre d'une haie qui clôt une autre pâture ou pré de M. de Louvencourt. Il y sera planté une borne.

Situation actuelle des lieux et changements opérés.

L'Hogneau, dans cette partie, est mitoyen. Il a été dérivé lors de la construction du chemin de fer du côté opposé et est partiellement comblé. Il le sera bientôt complètement. La haie qui clôt le pré de M. de Louvencourt existe encore, sauf près de la rivière, où elle a disparu, ainsi que la borne, pour donner passage à un chemin de servitude, mais seulement sur la largeur de ce chemin, de sorte que son emplacement a pu être facilement déterminé. Nous proposons de limiter la frontière par une ligne droite partant de la borne précédente et aboutissant à l'emplacement de l'ancienne borne. Cette ligne droite, de 94 mètres de longueur, forme avec la limite précédente un angle de $140^{\circ} 35'$.

§ 8. De ce point, elle suit la haie susdite et, après avoir traversé, &c., auquel point il sera planté une borne.

Clos et arrêté le 1^{er} Septembre, 1890, par les Commissaires soussignés.

HONOREZ, *Inspecteur Provincial du Service Voyer du Hainaut.*

D. JAUMIN, *Inspecteur d'Arrondissement du Service Voyer à Mons.*

VEILHAN, *Ingénieur des Ponts et Chaussées de l'Arrondissement de Valenciennes.*

C. COLOT, *Maire de Gussignies.*

Nouveau Texte proposé.

§ 7. De ce point, se dirigeant au nord, la limite suit une ligne droite de 94 mètres environ de longueur, aboutissant sur la crête de la berge de l'Hogneau, à la limite d'un pré M. de Louvencourt, près du chemin traversant cette propriété. Il y sera planté une borne J.

§ 8. Même rédaction qu'au procès-verbal primitif. Il sera planté une borne K.

DÉLIMITATION de la Frontière Franco-Belge entre Roisin et Gussignies.—Le 20 Juin, 1891.

Échange de Parcelles entre la France et la Belgique.

L'AN 1891, le 20 Juin, les Soussignés :

Honorez, Inspecteur Provincial du Service Voyer du Hainaut, Jaumin, Inspecteur d'Arrondissement du Service Voyer à Mons, Délégués par le Gouvernement Belge, d'une part ;

Veilhan, Ingénieur des Ponts et Chaussées à Valenciennes, Colot, Maire de Gussignies, Délégués par le Gouvernement Français, d'autre part ;

Se sont réunis à Roisin-Gussignies, à l'effet de déterminer, conformément aux instructions de leurs Gouvernements respectifs, l'étendue des parcelles de terrain à échanger entre la France et la Belgique pour la délimitation de la frontière entre Roisin et Gussignies.

Après avoir pris connaissance du procès-verbal de délimitation, dressé à la date du 1^{er} Septembre, 1890, par les Délégués des deux pays, et du plan joint à ce procès-verbal, les Soussignés ont procédé sur le terrain au métré des parcelles dont l'échange est proposé, et consigné ci-après le résultat de leurs opérations :—

1.—Parcelles cédées par la France à la Belgique.

Triangle au delà de C D incorporé au chemin de fer ..	26 ^m 26
Triangle au delà de H I	105 4
Ancien lit de l'Hogneau au delà de I J (origine) ..	16 8
Ancien lit de l'Hogneau au delà de I J (extrémité) ..	18 0
<hr/>	
Total des parties cédées par la France ..	166 ^m 28

2.—Parcelles cédées par la Belgique.

Ancien chemin en deçà des lignes H I, I J	39 ^m 26
Ancien lit de l'Hogneau en deçà de la ligne I J ..	129 2
<hr/>	
Total des parties cédées par la Belgique ..	168 ^m 28

Clos et arrêté le 20 Juin, 1891, par les Commissaires soussignés :

N. HONOREZ, *Inspecteur Provincial du Service Voyer du Hainaut.*

D. JAUMIN, *Inspecteur d'Arrondissement du Service Voyer à Mons.*

VEILHAN, *Ingénieur des Ponts et Chaussées de l'Arrondissement de Valenciennes.*

COLOT, *Maire de Gussignies.*

NOTES exchanged between Sweden and Spain, relating to the Submission to Arbitration of Questions arising out of the Interpretation of the Commercial Convention of June 27, 1892.—Madrid, August 9, 1893.*

M. Jarlsberg to M. Moret.

LE Gouvernement de Sa Majesté le Roi de Suède et de Norvège et le Gouvernement de Sa Majesté Catholique, étant convenus d'appliquer le principe de l'arbitrage pour le cas de divergences de vue sur l'interprétation de la Convention signée le 27 Juin, 1892,* entre la Suède et l'Espagne, le Soussigné a été à cet effet autorisé par son Gouvernement à déclarer que l'Article II de la Déclaration du 23 Juin, 1887,† sera applicable à la Convention précitée.

En portant ce qui précède à la connaissance de son Excellence M. le Ministre d'État de Sa Majesté Catholique, le Soussigné profite de cette occasion, &c.;

Madrid, le 9 Août, 1893.

M. Moret.

F. WEDEL JARLSBERG.

M. Moret to M. Jarlsberg.

(Traduction.)

LE Gouvernement de Sa Majesté Catholique et le Gouvernement de Sa Majesté le Roi de Suède et de Norvège, étant convenus d'appliquer le principe de l'arbitrage pour le cas de divergences de vue sur l'interprétation de la Convention signée le 27 Juin, 1892,* entre l'Espagne et la Suède, le Soussigné a été à cet effet autorisé par son Gouvernement à déclarer que l'Article II de la Déclaration du 23 Juin, 1887,† sera applicable à la Convention précitée.

En portant ce qui précède à la connaissance de M. le Ministre Plénipotentiaire de Sa Majesté le Roi de Suède et de Norvège, le Soussigné profite de cette occasion, &c.,

Palais, le 9 Août, 1893.

M. Jarlsberg.

S. MORET.

* Vol. LXXXIV, page 113.

† Vol. LXXVIII, page 843.

DÉCLARATION pour modifier l'Article II du Traité de Commerce du $\frac{1}{2}\frac{5}{7}$ Octobre, 1852, entre la Suède et le Norvège et le Royaume Hellénique, pour ce qui concerne le Traitement des Commis-Voyageurs.—Signée à Vienne, le $\frac{18\text{ Février}}{2\text{ Mars}}$, 1893.*

[Ratifications échangées à Vienne, le 22 Mars, 1893.]

LA modification ci-après de l'Article II du Traité de Commerce et de Navigation conclu à Athènes le $\frac{1}{2}\frac{5}{7}$ Octobre, 1852, entre les Royaumes-Unis de Suède et de Norvège et le Royaume Hellénique, ayant été reconnue utile par leurs Gouvernements respectifs, les Soussignés, dûment autorisés, sont convenus de ce qui suit :—

A la fin de l'Article II du Traité de Commerce et de Navigation entre les Royaumes-Unis de Suède et de Norvège et le Royaume Hellénique du $\frac{1}{2}\frac{5}{7}$ Octobre, 1852, est ajouté l'alinéa suivant :

“ Les commis-voyageurs Suédois et Norvégiens en Grèce, et réciproquement les commis-voyageurs Hellènes en Suède ou en Norvège, jouiront, sous le rapport des impôts, du traitement de la nation la plus favorisée.”

La présente Déclaration aura la même force et durée que le Traité de Commerce et de Navigation du $\frac{1}{2}\frac{5}{7}$ Octobre, 1852, auquel elle se rattache.

La présente Déclaration sera ratifiée, et les ratifications en seront échangées à Vienne le plus tôt possible.

En foi de quoi les Soussignés l'ont signée, et y ont apposé leurs cachets.

Fait à Vienne, en double expédition, le $\frac{18\text{ Février}}{2\text{ Mars}}$, 1893.

(L.S.) G. LEWENHAUPT.

(L.S.) G. MANOS.

CONVENTION entre les Pays-Bas et le Luxembourg, pour l'Extradition des Malfaiteurs. — Signée à Bruxelles, le 10 Mars, 1893.

[Ratifications échangées à Bruxelles, le 24 Mai, 1893.]

SA Majesté la Reine des Pays-Bas, et en son nom Sa Majesté la Reine-Régente du Royaume des Pays-Bas, et Son Altesse Royale le Grand-Duc de Luxembourg, ayant résolu d'un commun accord de

conclure une nouvelle Convention pour l'extradition des malfaiteurs, ont nommé à cet effet pour leurs Plénipotentiaires, savoir :

Sa Majesté la Reine-Régente du Royaume des Pays-Bas, le Baron Gerieke de Herwijnen, Grand-Croix des Ordres du Lion Néerlandais et de la Couronne de Chêne de Luxembourg, Chevalier de première classe de l'Ordre du Lion d'Or de la Maison de Nassau, &c., Envoyé Extraordinaire et Ministre Plénipotentiaire de Sa Majesté la Reine des Pays-Bas à Bruxelles ;

Son Altesse Royale le Grand-Duc de Luxembourg, le Comte de Marchant d'Ansembourg, Commandeur de l'Ordre d'Adolphe de Nassau et de l'Ordre du Lion de Zaehringen, &c., son Chargé d'Affaires à Bruxelles ;

Lesquelles, après s'être communiqué les pleins pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivants :—

ART. I. Le Gouvernement des Pays-Bas et le Gouvernement du Grand-Duché de Luxembourg s'engagent à se livrer réciproquement, suivant les règles déterminées par les Articles suivants, à l'exception de leurs nationaux, les individus condamnés ou prévenus à raison d'un des faits ci-après énumérés, commis hors du territoire de l'État auquel l'extradition est demandée :

1.—(a.) Attentat contre la vie ou la liberté du Roi, de la Reine régnante, du Grand-Duc, du Régent, ou d'un autre Chef d'un État ami, ou entrepris dans le dessein de les rendre incapables de régner ;

(b.) Attentat contre la vie ou la liberté de la Reine non régnante, de l'heritier présomptif du Trône, ou d'un membre de la Famille Souveraine ;

2. Meurtre ou assassinat ; meurtre ou assassinat commis sur un enfant ;

3. Menaces, faites par écrit et sous une condition déterminée, pour autant que les lois des deux pays permettent l'extradition de ce chef ;

4. Avortement, procuré par la femme enceinte ou par d'autres ;

5. Sévices, ayant occasionné une grave lésion corporelle ou la mort ; sévices commis avec préméditation, ou sévices graves ;

6. Viol ; attentat à la pudeur ; le fait d'avoir, en dehors du mariage, un commerce charnel avec une fille ou une femme au-dessous de l'âge de 16 ans, ou avec une femme au-dessus de cet âge, lorsque le coupable sait qu'elle est évanouie ou sans connaissance ; actes d'immoralité, lorsque le coupable sait que la personne avec laquelle il les commet est évanouie ou sans connaissance, ou lorsque cette personne n'a pas atteint l'âge de 16 ans ; excitation d'une personne au-dessous de cet âge à commettre ou à subir des actes d'immoralité, ou à avoir, en dehors du mariage, un commerce charnel

avec un tiers, si ces infractions sont punissables d'après les lois des deux pays ;

7. Excitation de mineurs à la débauche, et toute acte ayant pour objet de favoriser la débauche de mineurs, punissable d'après les lois des deux pays ;

8. Bigamie ;

9. Enlèvement, recel, suppression, substitution, ou supposition d'un enfant ;

10. Enlèvement de mineurs ;

11. Contrefaçon ou altération de monnaies ou de papier-monnaie, entreprise dans le dessein d'émettre ou de faire émettre ces monnaies ou ce papier-monnaie comme non-contrefaits et non-altérés, ou mise en circulation de monnaies ou de papier-monnaie contrefaits ou altérés, lorsqu'elle a lieu à dessein ;

12. Contrefaçon ou falsification de timbres et de marques de l'État ou de marques d'ouvrier exigées par la loi, pour autant que les lois des deux pays permettent l'extradition de ce chef ;

13. Faux en écriture et usage fait à dessein de l'écriture fausse ou falsifiée, pour autant que les lois des deux pays permettent l'extradition de ce chef ; la détention ou l'introduction de l'étranger de billets d'une banque de circulation fondée en vertu de dispositions légales, dans le dessein de les mettre en circulation comme n'étant ni faux ni falsifiés, lorsque l'auteur savait au moment où il les a reçus qu'ils étaient faux ou falsifiés ;

14. Faux serment, y compris le faux témoignage et la subornation de témoins ;

15. Corruption de fonctionnaires publics, pour autant que les lois des deux pays permettent l'extradition de ce chef ; concussion ; détournement commis par des fonctionnaires ou par ceux qui sont considérés comme tels ;

16. Incendie allumé à dessein, lorsqu'il peut en résulter un danger commun pour des biens ou un danger de mort pour autrui ; incendie allumé dans le dessein de se procurer ou de procurer à un tiers un profit illégal au détriment de l'assureur ou du porteur légal d'un contrat à la grosse ;

17. Destruction illégale commise à dessein d'un édifice appartenant en tout ou en partie à un autre, ou d'un édifice ou d'une construction, lorsqu'il peut en résulter un danger commun pour des biens ou un danger de mort pour autrui.

18. Actes de violence commis en public, à forces réunies, contre des personnes ou des biens ;

19. Le fait illégal commis à dessein de faire couler à fond, de faire échouer, de détruire, de rendre impropre à l'usage ou de détériorer un navire, lorsqu'il peut en résulter un danger pour autrui, si ces faits sont punissables d'après les lois des deux pays ;

20. Émeute et insubordination des passagers à bord d'un navire contre le capitaine et des gens de l'équipage contre leurs supérieurs; si ces faits sont punissables d'après les lois des deux pays ;

21. Le fait commis à dessein d'avoir mis en péril un convoi sur un chemin de fer ;

22. Vol ;

23. Escroquerie ;

24. Abus de blanc-seing ;

25. Détournement, abus de confiance ;

26. Banqueroute frauduleuse.

Sont comprises dans les qualifications précédentes la tentative et la complicité, lorsqu'elles sont punissables d'après la législation du pays auquel l'extradition est demandée.

II. L'extradition n'aura pas lieu—

1. Lorsque le fait a été commis dans un pays tiers, et que le Gouvernement de ce pays requiert l'extradition ;

2. Lorsque la demande en sera motivée par le même fait pour lequel l'individu réclamé a été jugé dans le pays auquel l'extradition est demandée, et du chef duquel il y a été condamné, absous, ou acquitté ;

3. Si, d'après les lois du pays auquel l'extradition est demandée, la prescription de l'action ou de la peine est acquise avant l'arrestation de l'individu réclamé, ou, l'arrestation n'ayant pas encore eu lieu, avant qu'il n'ait été cité devant le Tribunal pour être entendu.

III. L'extradition n'aura pas lieu aussi longtemps que l'individu réclamé est poursuivi pour le même fait dans le pays auquel l'extradition est demandée.

IV. Si l'individu réclamé est poursuivi ou subit une peine pour une autre infraction que celle qui a donné lieu à la demande d'extradition, son extradition ne sera accordée qu'après la fin de la poursuite dans le pays auquel l'extradition est demandée, et, en cas de condamnation, qu'après qu'il aura subi sa peine, ou qu'il aura été gracié. Néanmoins, si d'après les lois du pays qui demande l'extradition, la prescription de la poursuite pouvait résulter de ce délai, son extradition sera accordée, si des considérations spéciales ne s'y opposent, et sous l'obligation de renvoyer l'extradé aussitôt que la poursuite dans ce pays sera finie.

V. L'individu extradé ne pourra être ni poursuivi ni puni, dans le pays auquel l'extradition a été accordée, pour un fait punissable quelconque non prévu par la présente Convention et antérieur à son extradition, ni extradé à un État tiers sans le consentement de celui qui a accordé l'extradition, à moins qu'il n'ait eu la liberté de quitter de nouveau le pays susdit pendant un mois après avoir été jugé, et, en cas de condamnation, après avoir subi sa peine ou après avoir été gracié.

Il ne pourra pas non plus être poursuivi ni puni du chef d'un crime ou d'un délit prévu par la présente Convention, antérieur à l'extradition, sans le consentement du Gouvernement qui a livré l'extradé et qui pourra, s'il le juge convenable, exiger la reproduction de l'un des documents mentionnés dans l'Article VII de la présente Convention. Toutefois, ce consentement ne sera pas nécessaire lorsque l'inculpé aura demandé spontanément à être jugé ou à subir sa peine, ou lorsqu'il n'aura pas quitté, dans le délai fixé plus haut, le territoire du pays auquel il a été livré.

VI. Les dispositions du présent Traité ne sont point applicables aux délits politiques. La personne qui a été extradée à raison de l'un des faits de droit commun mentionnés à l'Article I ne peut, par conséquent, en aucun cas, être poursuivie et punie dans l'État auquel l'extradition a été accordée, à raison d'un délit politique commis par elle avant l'extradition, ni à raison d'un fait connexe à un semblable délit politique, à moins qu'elle n'ait eu la liberté de quitter de nouveau le pays pendant un mois après avoir été jugée, et, en cas de condamnation, après avoir subi sa peine ou après avoir été graciée.

VII. L'extradition sera demandée par la voie diplomatique, et ne sera accordée que sur la production de l'original ou d'une expédition authentique, soit d'un jugement de condamnation, soit d'une ordonnance de mise en accusation ou de renvoi devant la justice répressive avec mandat d'arrêt, soit d'un mandat d'arrêt, délivré dans les formes prescrites par la législation de l'État qui fait la demande, et indiquant suffisamment le fait dont il s'agit, pour mettre l'État requis à même de juger s'il constitue, d'après sa législation, un cas prévu par la présente Convention, ainsi que la disposition pénale qui lui est applicable.

VIII. Les objets saisis en la possession de l'individu réclamé seront livrés à l'État requérant, si l'autorité compétente de l'État requis en a ordonné la remise.

IX. En attendant la demande d'extradition par la voie diplomatique, l'arrestation provisoire de l'individu dont l'extradition peut être requise aux termes de la présente Convention pourra être demandée :

Du côté des Pays-Bas, par tout officier de justice ou tout Juge d'Instruction (Juge Commissaire) ;

Du côté du Luxembourg, par tout Juge d'Instruction ou tout Procureur d'État.

L'arrestation provisoire est soumise aux formés et aux règles prescrites par la législation du pays auquel la demande est faite.

X. L'étranger arrêté provisoirement, aux termes de l'Article précédent, sera, à moins que son arrestation ne doive être maintenue pour un autre motif, mis en liberté, si dans le délai de vingt jours

après la date du mandat d'arrestation provisoire, la demande d'extradition par la voie diplomatique, avec remise des documents prescrits par la présente Convention, n'a pas été faite.

XI. Lorsque, dans la poursuite d'une affaire pénale non politique, un des Gouvernements jugera nécessaire l'audition de témoins se trouvant dans l'autre État, une commission rogatoire sera envoyée à cet effet par la voie diplomatique, et il y sera donné suite, en observant les lois du pays où les témoins seront invités à comparaître. En cas d'urgence toutefois une commission rogatoire pourra être directement adressée par l'autorité judiciaire dans l'un des États à l'autorité judiciaire dans l'autre État.

Toute commission rogatoire, ayant pour but de demander une audition de témoins, devra être accompagnée d'une traduction Française.

XII. Si dans une cause pénale non politique la comparution personnelle d'un témoin dans l'autre pays est nécessaire ou désirée, son Gouvernement l'engagera à se rendre à l'invitation qui lui sera faite, et en cas de consentement il lui sera accordé des frais de voyage et de séjour, d'après les tarifs et règlements en vigueur dans le pays où l'audition devra avoir lieu, sauf le cas où le Gouvernement requérant estimera devoir allouer au témoin une plus forte indemnité.

Aucun témoin, quelle que soit sa nationalité, qui, cité dans l'un des deux pays, comparaitra volontairement devant les Juges de l'autre pays, ne pourra y être poursuivi ou détenu pour des faits ou condamnations criminels antérieurs, ni sous prétexte de complicité dans les faits objets du procès où il figurera comme témoin.

XIII. Lorsque dans une cause pénale non politique la confrontation de criminels, détenus dans l'autre État, ou bien la communication de pièces de conviction ou de documents, qui se trouveraient entre les mains des autorités de l'autre pays, sera jugée utile ou nécessaire, la demande en sera faite par la voie diplomatique, et l'on y donnera suite à moins de considérations spéciales qui s'y opposent, et sous l'obligation de renvoyer les criminels et les pièces.

XIV. Le transit, à travers le territoire de l'un des États Contractants, d'un individu livré par une tierce Puissance à l'autre Partie et n'appartenant pas au pays du transit, sera accordé sur la simple production, en original ou en expédition authentique, de l'un des actes de procédure mentionnés à l'Article VII, pourvu que le fait servant de base à l'extradition soit compris dans la présente Convention et ne rentre pas dans les prévisions des Articles II et VI, et que le transport ait lieu, quant à l'escorte, avec le concours de fonctionnaires du pays qui a autorisé le transit sur son territoire.

Les frais du transit seront à la charge de l'État requérant.

XV. Les Gouvernements respectifs renoncent de part et d'autre à toute réclamation pour la restitution des frais d'entretien, de transport, et autres, qui pourrait résulter, dans les limites de leurs territoires respectifs, de l'extradition des prévenus, accusés ou condamnés, ainsi que de ceux résultant de l'exécution des commissions rogatoires, du transport et du renvoi des criminels à confronter, et de l'envoi et de la restitution des pièces de conviction ou des documents.

XVI. La présente Convention, laquelle n'est pas applicable aux Colonies, ne sera exécutoire qu'à dater du vingtième jour après sa promulgation dans les formes prescrites par les lois des deux pays.

A partir de sa mise à exécution la Convention du 21 Juin, 1877,* cessera d'être en vigueur, et sera remplacée par la présente Convention, laquelle continuera à sortir ses effets jusqu'à six mois après déclaration contraire de la part de l'un des deux Gouvernements.

Elle sera ratifiée, et les ratifications en seront échangées aussitôt que possible.

En foi de quoi les Plénipotentiaires respectifs ont signé la présente Convention, et y ont apposé le cachet de leurs armes.

Fait en double expédition à Bruxelles, le 10 Mars, 1893.

(L.S.) L. GERICKE.

(L.S.) COMTE D'ANSEMBOURG.

DECLARATION between the Governments of Germany and Serbia, regulating the Commercial Relations between the two Countries on the Expiration of the Treaty of Commerce of January 6, 1883.†—Signed at Berlin, June 24, 1893.

(Translation.)

INASMUCH as the Treaty of Commerce between the German Empire and Serbia of the 6th January, 1883, goes out of force on the 25th June, 1893, in pursuance of its denunciation by the Kingdom of Serbia, and that there is no immediate prospect of the ratification by Germany of the new Treaty of Commerce and Customs, concluded at Vienna on the ^{9th}/_{21st} August, 1892, the Undersigned, in the name of their Governments, have agreed as follows:—

The Government of Serbia will assure to the German Empire, together with the Customs' territory united therewith, from the

* Vol. LXVIII, page 37.

† Vol. LXXIV, page 334.

25th June, 1893, to the 31st December, 1893, in any case the treatment of the most favoured nation.

The Imperial German Government does not find itself in a position at the present moment, for want of the necessary legislative authority, to make a corresponding declaration in favour of the Servian Government.

The Imperial Government binds itself, however, to keep as their object in view that before the 31st December, 1893, either the ratification shall be effected of the Treaty of Commerce and Customs concluded at Vienna on the $\frac{9^{\text{th}}}{21^{\text{st}}}$ August, 1892, or else that the most-favoured-nation treatment shall be secured to the Kingdom of Servia.

Done at Berlin, the 24th June, 1893.

FREIHERR VON ROTENHAN.
IVAN PAVLOVITCH.

DÉCRET du Gouvernement Français, relative aux Huiles Minérales provenant des États-Unis d'Amérique.—Paris, le 7 Juillet, 1893.

LE Président de la République Française,

Sur la proposition des Ministres des Affaires Étrangères, des Finances, et du Commerce, de l'Industrie, et des Colonies,

Vu l'Article 5, paragraphe 2, de la Loi du 30 Juin, 1893, relative au régime des huiles minérales,

Décète :

ART. 1^{er}. Le bénéfice du nouveau régime des huiles minérales, établi par la Loi du 30 Juin, 1893, sera, à partir du 12 du présent mois, appliqué provisoirement aux huiles minérales provenant des États-Unis d'Amérique.

2. Le Ministre des Affaires Étrangères, le Ministre des Finances, et le Ministre du Commerce, de l'Industrie, et des Colonies sont chargés de l'exécution du présent Décret, qui sera publié au "Journal Officiel."

Fait à Paris, le 7 Juillet, 1893.

CARNOT.

Par le Président de la République :

JULES DEVELLE, *Ministre des Affaires Étrangères.*

P. PEYTRAL, *Ministre des Finances.*

TERRIER, *Ministre du Commerce, de l'Industrie, et des Colonies.*

*LOI de la Belgique, portant Répression des Crimes et Délits
de Traite.—Laeken, le 3 Juillet, 1893.*

LÉOPOLD II, Roi des Belges, à tous, présents et à venir, salut ;
Sur la proposition de notre Ministre de la Justice ;

Nous avons arrêté et arrêtons :

Notre Ministre de la Justice est chargé de présenter, en notre nom, aux Chambres Législatives, le projet de Loi dont la teneur suit :—

ART. 1^{er}. Quiconque fera le commerce d'esclaves sera puni d'un emprisonnement de deux ans à cinq ans et d'une amende de 100 fr. à 5,000 fr., sans préjudice des peines portées contre ceux qui, dans l'exercice ou à l'occasion de l'exercice de ce commerce, commettront des crimes ou délits contre les personnes ou d'autres crimes ou délits.

2. Sera puni des mêmes peines le capitaine ou l'officier qui, sciemment, prendra du service ou commandera à bord d'un navire destiné ou employé à faire le commerce d'esclaves.

Le Tribunal le condamnera en outre à l'interdiction de tout commandement, pendant un an au moins et cinq ans au plus.

Cette interdiction prendra cours à l'expiration de l'emprisonnement.

3. Le matelot qui, sciemment, prendra du service ou restera volontairement en service à bord d'un navire destiné ou employé à faire le commerce d'esclaves, sera puni d'un emprisonnement de deux mois à deux ans.

4. La confiscation du navire qui aura été employé au commerce d'esclaves pourra être prononcée.

5. Celui qui, sciemment, louera, frêtera, ou équipera un navire destiné à faire le commerce d'esclaves, sera puni d'un emprisonnement de deux mois à deux ans et d'une amende de 100 fr. à 3,000 fr.

6. Les contrevenants aux défenses concernant les armes à feu et les munitions prévues par les Articles VIII et IX de l'Acte Général de la Conférence de Bruxelles, du 2 Juillet, 1890,* seront punis, soit d'un emprisonnement dont la durée totale sera d'un mois à un an et d'une amende de 100 fr. à 500 fr. par arme à feu ou par 100 cartouches, soit d'une de ces peines seulement.

La saisie et la confiscation des armes et munitions seront prononcées s'il y a lieu.

7. Le Belge qui aura commis hors du territoire du royaume

* Vol. LXXXII, page 55.

une des infractions dont il s'agit aux Articles qui précèdent pourra, s'il est trouvé en Belgique, y être poursuivi, bien que l'autorité Belge n'ait reçu aucune plainte ou avis officiel de l'autorité étrangère.

L'étranger coauteur ou complice de l'infraction pourra, s'il est trouvé en Belgique, y être poursuivi conjointement avec le Belge inculqué ou après la condamnation de celui-ci.

8. Toute résistance de la part des capitaines et gens de l'équipage aux ordres des officiers commandants, agissant en vertu des Articles XLII et suivants de l'Acte Général de la Conférence de Bruxelles, sera punie d'un emprisonnement d'un mois à un an et d'une amende de 50 fr. à 1,000 fr., ou d'une de ces peines seulement.

9. En cas de récidive, le maximum des peines pourra être doublé.

10. Par dérogation à l'Article 100 du Code Pénal, le Chapitre VII, les §§ 2 et 3 de l'Article 72, le § 2 de l'Article 76, et l'Article 85 de ce Code, seront applicables aux infractions prévues par la présente Loi.

11. Les dispositions suivantes sont ajoutées à l'Article 1^{er} de la Loi du 15 Mars, 1874,* sur les extraditions :

(31.) Pour Trafic d'Esclaves (Articles 1, 2, 3, 5 de la Loi portant répression des crimes et délits de traite).

(32.) Pour résistance de la part des capitaines et gens de l'équipage aux ordres des officiers agissant en vertu des Articles XLII et suivants de l'Acte Général de la Conférence de Bruxelles, du 2 Juillet, 1890.

(33.) Pour infraction aux défenses concernant les armes à feu et les munitions prévues par les Articles VIII et IX de l'Acte Général de la Conférence de Bruxelles, du 2 Juillet, 1890.

12. Les Lois du 20 Novembre, 1818, et du 23 Décembre, 1824, sont abrogées.

Donné à Laeken, le 3 Juillet, 1893.

(L.S.) LÉOPOLD.

Par le Roi :

JULES LE JEUNE, *Ministre de la Justice.*

NOTIFICATION by the Government of Germany, respecting the application of the Exemptions and Reductions of Customs Duty granted by existing Treaties to Spanish Agricultural and Industrial Products.—Berlin, September 27, 1893.

(Translation.)

THE Federal Council has decided, upon the basis of the Imperial Law of the 23rd March, 1893, respecting the application of the conventional exemptions and remissions of customs duty upon imports into Germany from Roumania and Spain, that on and after the 27th September of this year the exemptions and remissions of duty granted by existing Treaties shall apply to Spanish agricultural and industrial products imported into German Customs territory for the present up to the 31st October of this year, with the exception of the special advantages allowed to wine in casks in No. 25 (e) 1 of the Tariff in the Commercial Treaties with Austria-Hungary and Italy.

Berlin, the 27th September, 1893.

v. BOETTICHER, *Representative of the Imperial Chancellor.*

CONSTITUTION FÉDÉRALE de la Confédération Suisse du 29 Mai, 1874, avec les Modifications survenues jusqu'à fin 1893.*

ART. 25 *bis*.† Il est expressément interdit de saigner les animaux de boucherie sans les avoir étourdis préalablement; cette disposition s'applique à tout mode d'abatage et à toute espèce de bétail.

Art. 31.‡ La liberté de commerce et d'industrie est garantie dans toute l'étendue de la Confédération.

Sont réservés—

(a.) La régle du sel et de la poudre de guerre, les péages Fédéraux, les droits d'entrée sur les vins et les autres boissons spiritueuses, ainsi que les autres droits de consommation formellement reconnus par la Confédération, à teneur de l'Article 32;

(b.) La fabrication et la vente des boissons distillées, en conformité de l'Article 32 *bis*.

* Vol. LXX, page 1325.

† Adopté à la votation populaire du 20 Août, 1893.

‡ Renferme les modifications adoptées à la votation populaire du 25 Octobre, 1885, et entrées en vigueur le 22 Décembre de la même année.

(c.) Tout ce qui concerne les auberges et le commerce au détail des boissons spiritueuses, en ce sens que les cantons ont le droit de soumettre par voie législative, aux restrictions exigées par le bien-être public, l'exercice du métier d'aubergiste et le commerce au détail des boissons spiritueuses;

(d.) Les mesures de police sanitaire contre les épidémies et les épizooties;

(e.) Les dispositions touchant l'exercice des professions commerciales et industrielles, les impôts qui s'y rattachent et la police des routes. Ces dispositions ne peuvent rien renfermer de contraire au principe de la liberté de commerce et d'industrie.

Art. 32 *bis*.* La Confédération a le droit de décréter, par voie législative, des prescriptions sur la fabrication et la vente des boissons distillées. Toutefois, ces prescriptions ne doivent pas imposer les produits qui sont exportés ou qui ont subi une préparation les rendant impropres à servir de boissons. La distillation du vin, des fruits à noyaux ou à pépins et de leurs déchets, des racines de gentiane, des baies de genièvre et d'autres matières analogues est exceptée des prescriptions Fédérales concernant la fabrication et l'impôt.

Après l'abolition des droits d'entrée sur les boissons spiritueuses mentionnées à l'Article 32 de la Constitution Fédérale, le commerce des boissons alcooliques non distillées ne pourra plus être soumis par les cantons à aucun impôts spécial, ni à d'autres restrictions que celles qui sont nécessaires pour protéger le consommateur contre les boissons falsifiées ou nuisibles à la santé. Restent toutefois réservées, en ce qui concerne l'exploitation des auberges et la vente en détail de quantités inférieures à deux litres, les compétences attribuées aux cantons par l'Article 31.

Les recettes nettes provenant des droits sur la vente des boissons distillées restent acquises aux cantons dans lesquels ces droits sont perçus.

Les recettes nettes de la Confédération résultant de la distillation indigène et de l'élévation correspondante des droits d'entrée sur les boissons distillées étrangères seront réparties entre tous les cantons proportionnellement à leur population de fait établie par le recensement Fédéral le plus récent. Les cantons sont tenus d'employer au moins 10 pour cent des recettes pour combattre l'alcoolisme dans ses causes et dans ses effets.

Art. 34 *bis*.† La Confédération introduira, par voie législative,

* Adopté à la votation populaire du 25 Octobre, 1885. Entré en vigueur le 22 Décembre de la même année.

† Adopté à la votation populaire du 26 Octobre, 1890. Entré en vigueur le 17 Décembre de la même année.

l'assurance en cas d'accident et de maladie, en tenant compte des caisses de secours existantes.

Elle peut déclarer la participation à ces assurances obligatoire en général ou pour certaines catégories déterminées de citoyens.

Art. 39.* Le droit d'émettre des billets de banque et toute autre monnaie fiduciaire appartient exclusivement à la Confédération.

La Confédération peut exercer le monopole des billets de banque au moyen d'une banque d'État placée sous une administration spéciale, ou en concéder l'exercice, sous réserve du droit de rachat, à une banque central par actions à créer qui serait administrée avec le concours et sous le contrôle de la Confédération.

La banque investie du monopole aura pour tâche principale de servir en Suisse de régulateur du marché de l'argent et de faciliter les opérations de payement.

Le bénéfice net de la banque, déduction faite d'un intérêt ou d'un dividende équitable à servir au capital de dotation ou au capital-actions et après prélèvement des versements à opérer au fonds de réserve, revient au moins pour les deux tiers aux cantons.

La banque et ses succursales seront exemptes de tout impôt dans les cantons.

L'acceptation obligatoire des billets de banque et de toute autre monnaie fiduciaire ne pourra être décrétée par la Confédération qu'en cas de nécessité en temps de guerre.

La législation Fédérale édictera les dispositions relatives au siège de la banque, à ses bases, à son organisation et à l'exécution de cet Article en général.

Art. 64. La législation—

Sur la capacité civile ;

Sur toutes les matières du droit se rapportant au commerce et aux transactions mobilières (droit des obligations, y compris le droit commercial et le droit de change) ;

Sur la propriété littéraire et artistique ;

Sur la protection des dessins et modèles nouveaux, ainsi que des inventions représentées par des modèles et applicables à l'industrie ;†

Sur la poursuite pour dettes et la faillite ;

Est du ressort de la Confédération.

L'administration de la justice reste aux cantons, sous réserve des attributions du Tribunal Fédéral.

* Nouvel Article adopté à la votation populaire du 18 Octobre, 1891, et entré en vigueur le 23 Décembre de la même année.

† Nouvel alinéa adopté à la votation populaire du 10 Juillet, 1887, et entré en vigueur le 20 Décembre de la même année.

Art. 65.* Il ne pourra être prononcé de condamnation à mort pour cause de délit politique.

Les peines corporelles sont interdites.

Chapitre III.†—*Révision de la Constitution Fédérale.*

Art. 118. La Constitution Fédérale peut être révisée en tout temps, totalement ou partiellement.

Art. 119. La révision totale a lieu dans les formes statuées pour la législation Fédérale.

Art. 120. Lorsqu'une section de l'Assemblée Fédérale décrète la révision totale de la Constitution Fédérale et que l'autre section n'y consent pas, ou bien lorsque 50,000 citoyens Suisses ayant droit de voter demandent la révision totale, la question de savoir si la Constitution Fédérale doit être révisée est, dans l'un comme dans l'autre cas, soumise à la votation du peuple Suisse, par oui ou par non.

Si, dans l'un ou dans l'autre de ces cas, la majorité des citoyens Suisse prenant part à la votation se prononce pour l'affirmative, les deux Conseils seront renouvelés pour travailler à la révision.

Art. 121. La révision partielle peut avoir lieu, soit par la voie de l'initiative populaire, soit dans les formes statuées pour la législation Fédérale.

L'initiative populaire consiste en une demande, présentée par 50,000 citoyens Suisses ayant le droit de vote et réclamant l'adoption d'un nouvel Article constitutionnel, ou l'abrogation ou la modification d'Articles déterminés de la Constitution en vigueur.

Si, par la voie de l'initiative populaire, plusieurs dispositions différentes sont présentées pour être révisées ou pour être introduites dans la Constitution Fédérale, chacune d'elles doit former l'objet d'une demande d'initiative distincte.

La demande d'initiative peut revêtir la forme d'une proposition conçue en termes généraux ou celle d'un projet rédigé de toutes pièces.

Lorsque la demande d'initiative est conçue en termes généraux, les Chambres Fédérales, si elles l'approuvent, procéderont à la révision partielle dans le sens indiqué et en soumettront le projet à l'adoption ou au rejet du peuple et des cantons. Si, au contraire, elles ne l'approuvent pas, la question de la révision partielle sera soumise à la votation du peuple; si la majorité des citoyens Suisses prenant part à la votation se prononce pour l'affirmative, l'Assemblée

* Nouvel Article adopté à la votation populaire du 18 Mai, 1879, et entré en vigueur le 20 Juin de la même année.

† Chapitre révisé. Adopté à la votation populaire du 5 Juillet, 1891. En vigueur à partir du 29 Juillet, 1891.

Fédérale procédera à la révision en se conformant à la décision populaire.

Lorsque la demande revêt la forme d'un projet rédigé de toutes pièces et que l'Assemblée Fédérale lui donne son approbation, le projet sera soumis à l'adoption ou au rejet du peuple et des cantons. Si l'Assemblée Fédérale n'est pas d'accord, elle peut élaborer un projet distinct ou recommander au peuple le rejet du projet proposé et soumettre à la votation son contre-projet ou sa proposition de rejet en même temps que le projet émané de l'initiative populaire.

Art. 122. Une Loi Fédérale déterminera les formalités à observer pour les demandes d'initiative populaire et les votations relatives à la révision de la Constitution Fédérale.

Art. 123. La Constitution Fédérale révisée ou la partie révisée de la Constitution entre en vigueur lorsqu'elle a été acceptée par la majorité des citoyens Suisses prenant part à la votation et par la majorité des États.

Pour établir la majorité des États, le vote d'un demi-canton est compté pour une demi-voix.

Le résultat de la votation populaire dans chaque canton est considéré comme le vote de l'État.

Dispositions Transitoires.

Art. 6.* Si la Loi Fédérale prévue par l'Article 32 *bis* est mise en vigueur avant l'expiration de l'année 1890, les droits d'entrée perçus par les cantons sur les boissons spiritueuses, en conformité de l'Article 32, seront abolis à partir de l'entrée en vigueur de cette Loi.

Si, dans ce cas, les parts revenant à ces cantons ou communes sur la somme à répartir ne suffisaient pas à compenser les droits abolis calculés d'après la moyenne annuelle du produit net de ces droits pendant les années 1880 à 1884 inclusivement, le déficit des cantons ou communes constitués en perte sera couvert, jusqu'à la fin de 1890, sur la somme qui reviendrait aux autres cantons d'après le chiffre de leur population, et ce n'est qu'après ce prélèvement que le reste sera réparti à ceux-ci au prorata de leur population.

La législation Fédérale pourvoira en outre à ce que la perte que pourrait entraîner l'application du présent Arrêté pour le fisc des cantons ou des communes intéressés ne les frappe que graduellement et n'atteigne son chiffre total qu'après une période transitoire jusqu'à 1895, les sommes à allouer dans ce but devant être

* Adopté à la votation populaire du 25 Octobre, 1885, et entré en vigueur le 22 Décembre de la même année.

prélevées sur les recettes nettes mentionnées à l'Article 32 *bis*, 4^e alinéa.

Remarque.—En conformité du premier alinéa de cet Article 6 et de l'Arrêté du Conseil Fédéral du 15 Juillet, 1887, concernant l'exécution successive des différentes parties de la Loi Fédérale sur les Spiritueux du 23 Décembre, 1886, les droits d'entrée perçus par les cantons et par les communes sur les vins et les autres boissons spiritueuses en application de l'Article 32 de la Constitution Fédérale sont abolis depuis le 1^{er} Septembre, 1887. En conséquence, les Articles 31, lettre (a), et 32 de cette Constitution sont abrogés en tant qu'ils se rapportent aux droits d'entrée sur les vins et les autres boissons spiritueuses.

LOI FÉDÉRALE SUISSE sur les Douanes.—Berne, le
28 Juin, 1893.

L'ASSEMBLÉE Fédérale de la Confédération Suisse, en exécution des prescriptions sur les péages contenues dans la Constitution Fédérale Suisse et en modification de la Loi Fédérale sur les péages du 27 Août, 1851 ;

Vu le message du Conseil Fédéral du 30 Mai, 1892 ;

Décète :

Chapitre 1^{er}.—Obligation d'acquitter les Droits; Exemptions.

ART. 1^{er}. Tous les objets qui sont importés en Suisse ou qui en sont exportés sont, sous réserve des exceptions énumérées dans la présente Loi, passibles de droits à teneur de la Loi sur le Tarif des Douanes.

Le Conseil Fédéral est autorisé, en cas de circonstances extraordinaires, à établir des droits sur le transit et à en fixer le taux, l'approbation par l'Assemblée Fédérale lors de sa plus prochaine réunion demeurant réservée.

2. Il est perçu, pour le contrôle des marchandises qui franchissent la frontière Suisse et qui ne sont pas soumises à un droit, une finance de statistique, dont le taux est fixé par la Loi sur le Tarif des Douanes Suisses.

Cette finance n'est toutefois pas appliquée aux envois par la poste, ni dans le trafic de frontière, non plus que dans le petit trafic de marché.

3. Sont exemptés du paiement des droits d'entrée :

(a.) Tous les objets déclarés francs de droits par la Loi en

vigueur sur le Tarif des Douanes ou exempts de droits en vertu de Traités conclus avec des Puissances étrangères ;

(b.) Tous les objets à l'usage des Représentants Diplomatiques des Puissances étrangères accrédités auprès de la Confédération, si ces États usent de réciprocité envers la Suisse et si ces objets ne sont pas destinés à la vente ;

(c.)—(1.) Le mobilier, les ustensiles et effets usagés, l'outillage déjà usagé de fabriques et d'ouvriers que des immigrants importent pour leur propre usage ;

(2.) Sur autorisation spéciale, le trousseau (meubles et ustensiles de tout genre, neufs, de même que les vêtements, le linge et autres effets neufs) de personnes qui viennent se fixer en Suisse par suite de leur mariage ;

(3.) Le mobilier, les ustensiles et les effets usagés que l'on importe en Suisse en prouvant qu'ils proviennent de succession ;

(Les exemptions de droits prévues aux chiffres 1, 2, et 3 ci-dessus ne sont accordées que si l'État dont proviennent ces objets use de réciprocité envers la Suisse ;)

(d.) Les effets de voyage (vêtements, linge, &c.) que les voyageurs, voituriers, et bateliers, &c., ont avec eux pour leur propre usage, de même que l'outillage déjà usagé d'artisans ambulants, les ustensiles et les instruments que des artistes en voyage conduisent avec eux pour l'exercice de leur profession, ainsi que d'autres objets de même nature qui précèdent ou suivent ces personnes ; les provisions alimentaires de voyage ;

(e.) Les voitures appartenant à des étrangers, y compris les voitures et wagons d'administrations étrangères de chemin de fer, de même que les bateaux étrangers qui, lorsqu'ils ont passé la frontière, servaient à amener en Suisse des personnes ou des marchandises et qui ne restent pas en Suisse ; les voitures et wagons de compagnies de chemins de fer Suisses revenant vides de l'étranger ; les chevaux et autres animaux formant l'attelage de voitures de voyageurs ou de roulage et destinés à être réexportés ;

(f.) Les effets d'indigents importés en vertu d'une mesure de l'autorité compétente ;

(g.) Toutes les marchandises passibles de droit, lorsque le montant du droit d'entrée ne s'élève pas à 10 centimes ; les envois de marchandises importés par la poste, lorsque leur poids brut ne dépasse pas 500 grammes ; toutes les marchandises passibles de droit, importées par une seule personne, lorsque leur poids total ne dépasse pas 250 grammes ;

(L'application de cette disposition pourra être suspendue, en tout ou en partie, par le Conseil Fédéral, si elle donne lieu à des abus ;)

(h.) Les échantillons de marchandises sans valeur vénale (à

l'exception des échantillons d'articles servant à la consommation alimentaire), y compris les cartes d'échantillons et les échantillons en coupons ou en quantités sans valeur ;

(i.) Les fûts, sacs, et autres vases vides, importés en Suisse pour être renvoyés pleins à l'expéditeur ou pour être réexportés pleins pour le compte de celui-ci à une autre destination à l'étranger, de même que ceux qui reviennent à l'expéditeur primitif en Suisse, après avoir été exportés pleins ;

(k.) Les objets d'art pour un but public, les objets d'histoire naturelle, les objets d'art industriel, les instruments, appareils, et modèles d'industrie et de technique, les objets d'antiquité et d'ethnographie que l'on prouve avoir été importés pour des collections publiques ou pour des établissements publics d'instruction ;

(l.) Le matériel de guerre importé par la Confédération pour la défense du pays ;

(m.) Les animaux, l'outillage, et autres objets exportés par les habitants du pays pour la culture de fonds sis sur territoire étranger, toutefois à 10 kilom. au plus de la frontière, et que l'on réintroduit en Suisse dans un délai déterminé ; de même ceux qui sont importés en Suisse par des étrangers, pour la culture de fonds situés en Suisse à 10 kilom. au plus de la frontière et qui ne séjournent que temporairement en Suisse ; dans ce dernier cas, toutefois, à la condition que l'État voisin use de réciprocité envers la Suisse et dans la mesure de cette réciprocité ;

(n.) Les produits bruts du sol des bien-fonds situés sur territoire étranger dans une zone de 10 kilom. le long de la frontière et que des habitants de la Suisse (propriétaires, usufruitiers, ou fermiers) cultivent eux-mêmes ou font cultiver pour leur propre compte par des tiers ;

(o.) Le lait, les œufs, les poissons frais, les écrevisses, les grenouilles, les escargots, les produits frais des jardins et des champs, destinés au marché ou au colportage, portés par les vendeurs ou amenés en Suisse dans des charrettes ; ces transports devront, toutefois, suivre la route permise et être annoncés au bureau de douane à la frontière ;

(p.) Les marchandises et le bétail d'origine Suisse qui reviennent en Suisse, à leur expéditeur primitif, dans le délai qui sera fixé par le Règlement, par suite de refus d'acceptation de la part du destinataire ou parce qu'ils n'ont pu être vendus ;

(Le Département des Douanes est, en outre, autorisé à accorder, dans d'autres cas encore que ceux indiqués ci-dessus, la réimportation en franchise de produits d'origine Suisse exportés à l'étranger et que l'expéditeur fait revenir dans le délai qui sera fixé par le Règlement, lorsque l'origine Suisse de la marchandise et son exportation peuvent être prouvées d'une manière suffisante ;)

(*g.*) Les objets qui, venant de la Suisse, y rentrent en empruntant le territoire étranger.

Dans tous les cas énumérés sous les lettres (*a*) à (*g*) ci-dessus, les dispositions de détail et les mesures de contrôle demeurent réservées à l'autorité exécutoire.

4. Dans des cas extraordinaires, tels que dévastations causées par les éléments, &c., le Conseil Fédéral est autorisé à accorder, exceptionnellement et comme mesure passagère, les allègements en matière de douanes que les circonstances lui paraîtront comporter.

5. Le Conseil Fédéral peut accorder d'autres exceptions encore, dans le sens de la réduction des droits ou de la franchise complète, pour les produits importés temporairement de l'étranger en Suisse pour être perfectionnés ou réparés, ou qui rentrent en Suisse après avoir été envoyés à l'étranger dans ce même but. Toutefois, ces exceptions ne doivent être accordées que si des intérêts spéciaux de l'industrie le commandent, qu'aucun intérêt majeur ne s'y oppose, et à la condition que la nature essentielle de la marchandise ne soit pas altérée par le travail de perfectionnement. Le délai à accorder pour la réexportation ou la réimportation dans le trafic de perfectionnement ne doit pas dépasser une année.

Le Conseil Fédéral fixera aussi les dispositions de détail pour le trafic de perfectionnement.

6. En ce qui concerne le gros et le menu bétail importé en Suisse ou exporté de Suisse pour l'estivage ou l'hivernage, le Conseil Fédéral émettra des prescriptions spéciales en tenant compte des circonstances locales particulières. Les prescriptions Fédérales relatives à la police sanitaire du bétail demeurent, d'ailleurs, réservées.

7. Pour les portions de territoire Suisse enclavées dans le territoire étranger ou pour les portions de territoire étranger enclavées dans le territoire Suisse, de même que dans les cas de conditions topographiques extraordinaires, le Conseil Fédéral prendra les dispositions spéciales nécessaires pour sauvegarder les intérêts des contrées Suisses dont il s'agit.

8. Le Conseil Fédéral accordera les facilités ultérieures qui seraient encore nécessaires pour assurer le trafic de frontière et le trafic de marché.

Chapitre II.—*Mode de calculer les Droits.*

9. Toutes les marchandises dont le Tarif ne fixe pas expressément le droit à la pièce doivent être acquittées d'après leurs poids brut.

10. Sous réserve des dispositions contenues à la lettre (*g*) de l'Article 3 ci-dessus, les fractions de kilogramme doivent être

comptées comme un kilogramme entier ; il n'est pas tenu compte des fractions de centime.

11. Les conducteurs de marchandises qui ne peuvent indiquer le poids de celles-ci sont tenus de payer, pour la détermination du poids, une finance de pesage à fixer par voie de règlement.

12. Les colis dont on ne peut faire la révision à cause de leur nature ou que le conducteur refuse de laisser réviser payent le droit le plus élevé du Tarif.

13. Les marchandises dont l'indication ou la dénomination est équivoque sont soumises au droit le plus élevé que comporte leur espèce.

14. Si des marchandises de diverses espèces, ayant à payer des droits différents, sont emballées ensemble et que la quantité de chaque marchandise ne soit pas déclarée d'une manière suffisante, le colis sera soumis, pour son poids total, au droit de l'article le plus imposé qu'il contient.

Chapitre III.—*Division du Territoire en Arrondissements.*

15. Le territoire de la Confédération Suisse est divisé en six arrondissements de douane, à chacun desquels est préposée une direction, savoir :

Premier arrondissement, avec siège de la direction à Bâle, comprenant les cantons de Berne, Lucerne, Unterwald-le-haut, Unterwald-le-bas, Soleure, Bâle-ville, Bâle-campagne, et Argovie, à l'exception des districts de Baden et de Zurzach ;

Second arrondissement, avec siège de la direction à Schaffhouse, comprenant les cantons de Zurich, Uri, Schwyz, Glaris, Zoug, Schaffhouse, Thurgovie, et les districts Argoviens de Baden et de Zurzach ;

Troisième arrondissement, avec siège de la direction à Coire, comprenant les cantons d'Appenzell-Rhodes extérieures, Appenzell-Rhodes intérieures, Saint-Gall, et Grisons, à l'exception du district de la Moësa ;

Quatrième arrondissement, avec siège de la direction à Lugano, comprenant le canton du Tessin et le district Grison de la Moësa ;

Cinquième arrondissement, avec siège de la direction à Lausanne, comprenant les cantons de Fribourg, Vaud, Valais, et Neuchâtel ;

Sixième arrondissement, avec siège de la direction à Genève, comprenant le canton de Genève.

Lorsque des circonstances particulières l'exigent, le Conseil Fédéral peut, avec l'assentiment de l'Assemblée Fédérale, distraire une portion du territoire d'un arrondissement et l'attribuer à un autre.

Chapitre IV.—*Établissement de Bureaux de Douane et d'Entrepôts.*

16. Le Conseil Fédéral désigne les bureaux de douane principaux et secondaires, et en détermine les compétences en matière d'opérations douanières.

Le Département des Douanes détermine la limite des lieux de débarquement où l'on doit procéder aux opérations de douane.

Là où les circonstances lui paraissent l'exiger dans l'intérêt du commerce, le Conseil Fédéral peut ériger des bureaux de douane dans l'intérieur du pays, ainsi que des entrepôts, ces derniers dans la forme qui répond le mieux aux intérêts en cause sans compromettre ceux de l'Administration des Douanes. La création de bureaux de douane à l'intérieur du pays est subordonnée à la condition que les intéressés contribuent aux frais des locaux nécessaires pour une part à déterminer par le Conseil Fédéral.

Il sera payé, pour se servir des entrepôts, des finances spéciales, dont le montant est déterminé par le Conseil Fédéral.

17. Les locaux nécessaires au service des douanes dans les gares frontières des lignes Suisses de chemins de fer devront être fournis gratuitement par les administrations de chemins de fer en cause, conformément à ce que demandera le Conseil Fédéral.

Les administrations de chemins de fer sont tenues, sur la demande qui leur en sera faite, de mettre gratuitement à la disposition du Service des Douanes les engins de pesage nécessaires.

Chapitre V.—*Prescriptions sur l'Importation, l'Exportation, et le Transit.*

1. *Dispositions Générales.*

18. Tous les objets passibles de droits ne peuvent être importés ou exportés que par les bureaux de douane établis. On ne peut déroger à cette règle que sur une autorisation expresse du Département des Douanes.

19. Tous les objets passibles de droits qui ne sont ni destinés au transit, ni dirigés sur un entrepôt ou sur un bureau de douanes de l'intérieur du pays, peuvent être importés ou exportés soit par les bureaux principaux, soit par les bureaux secondaires.

Les objets passibles de droits qui sont destinés au transit, ou qui doivent être dirigés sur un entrepôt ou sur un bureau de douane de l'intérieur ne peuvent, en revanche, être importés ou exportés que par les bureaux principaux.

Le Département des Douanes est compétent pour autoriser dans ces deux cas des exceptions à la règle.

20. A la demande du conducteur de la marchandise (déclarant) ou si le bureau de douane compétent le juge nécessaire, les colis et

les chargements complets déclarés pour le transit, pour l'expédition sur un entrepôt ou sur un bureau de douane de l'intérieur du pays, peuvent être plombés ou pourvus d'une fermeture douanière d'un autre genre, moyennant garantie du droit d'après le taux le plus élevé du Tarif.

21. Le temps pendant lequel les bureaux de douane sont ouverts à l'expédition et les prescriptions relatives à l'expédition en général sont fixés par voie de règlement.

22. Tout conducteur ou porteur et, cas échéant, tout destinataire de marchandises est tenu de remettre au fonctionnaire de la douane, avant l'expédition, une déclaration de l'exactitude de laquelle il est personnellement responsable et sur la base de laquelle doivent se calculer les droits et, cas échéant, les autres finances accessoires de douanes à payer.

23. Les fonctionnaires de la douane ont le droit de soumettre toutes les marchandises à la révision. Le déchargement et le rechargement, le déballage et le réemballage des marchandises incombent au conducteur de celles-ci.

Le personnel des douanes a le droit d'assister à la révision préliminaire que ferait, cas échéant, le conducteur de la marchandise.

Le droit de révision s'étend aussi aux engins de transport par terre et par eau que l'on prétendrait ne rien contenir qui fût passible de droits de douane.

Les envois faits par la poste sont soumis à des dispositions spéciales émanant du Conseil Fédéral.

24. Les objets passibles de droits qui arrivent par eau ne peuvent être débarqués, et ceux qui ont été embarqués ne peuvent être emmenés avant qu'un agent de la douane ait reconnu le chargement.

25. On ne peut disposer de la marchandise avant que les droits aient été payés ou que des sûretés acceptables aient été fournies.

26. Le conducteur de la marchandise (déclarant) doit se conformer non seulement aux prescriptions sur l'expédition douanière, mais encore à celles concernant la statistique du commerce. Il en est de même, pour autant qu'il doit en être tenu compte dans l'expédition douanière, des dispositions de la législation agricole et des prescriptions pour la sauvegarde des monopoles d'État actuellement existants ou qui seraient établis plus tard.

2. Expédition pour l'Importation et l'Exportation.

27. Le paiement des droits de douane à l'importation et à l'exportation est constaté par une quittance à remettre par le bureau de douane au conducteur de la marchandise, soit au déclarant.

3. *Expédition pour le Transit.*

28. Les marchandises destinées au transit doivent être expressément déclarées au bureau d'entrée pour l'expédition en transit. Le conducteur de la marchandise doit garantir le montant des droits d'entrée et, cas échéant, des finances de monopole, par un dépôt ou par un cautionnement suffisant. Il reçoit ensuite un acquit à caution, qui doit être présenté pour la décharge, en même temps que la marchandise, au bureau de douane de sortie, en acquittant la finance de statistique.

29. La marchandise expédiée avec acquit à caution est considérée comme ayant été livrée à la consommation intérieure, et le dépôt correspondant est porté en recettes, si l'acquit à caution n'est pas revenu, dans le délai qui y est fixé, dûment déchargé au bureau de douane qui l'a délivré.

4. *Expédition sur les Entrepôts ou sur les Bureaux de Douane de l'Intérieur.*

30. Les marchandises qui doivent être acheminées sur un entrepôt ou sur un bureau de douane de l'intérieur doivent être, comme les marchandises en transit, déclarées au bureau de douane d'entrée pour l'expédition avec acquit à caution, avec indication du lieu de destination, qui sera mentionné dans l'acquit à caution. En ce qui concerne la révision, la garantie du droit, la présentation des marchandises et de l'acquit à caution à l'entrepôt ou au bureau de douane de l'intérieur, on observera les prescriptions de l'Article 28 ci-dessus.

31. A moins de stipulation contraire dans des Conventions spéciales, le délai de séjour des marchandises dans les entrepôts ne doit pas dépasser douze mois, que la marchandise ait, pendant ce délai, séjourné dans un seul entrepôt ou dans plusieurs.

Les marchandises dont le propriétaire n'a pas disposé dans le délai d'une année doivent payer le droit d'entrée.

32. En sortant des entrepôts, les marchandises entrent :

(a.) Dans la circulation libre ;

(b.) Dans la circulation sous contrôle, pour la réexportation hors de la Suisse ou pour le transport dans un autre entrepôt.

Les marchandises qui entrent dans la circulation libre doivent payer les droits d'entrée. La réexportation ou le transport dans un autre entrepôt se fait avec acquit à caution, comme pour les marchandises de transit.

33. En ce qui concerne l'expédition douanière des marchandises qui y arrivent sans avoir payé les droits, les bureaux de douane de

l'intérieur doivent appliquer les mêmes prescriptions que les bureaux sis à la frontière.

Les marchandises dont l'expédition douanière n'a pas été demandée dans le délai de six jours dès leur arrivée doivent être dirigées sur l'entrepôt Fédéral le plus voisin.

Chapitre VI.—*Organisation de l'Administration des Douanes.*

1. *Le Conseil Fédéral.*

34. Le Conseil Fédéral est l'autorité supérieure exécutive en matière de douane. Toutes les mesures et les dispositions concernant les douanes émanent de lui, s'il n'en a pas chargé les autorités qui lui sont subordonnées.

35. Le Conseil Fédéral est compétent pour augmenter, dans la mesure qu'il jugera convenable, les taux du Tarif des Douanes pour les marchandises provenant de pays avec lesquels la Suisse n'est pas en relation de commerce sur le pied de la nation la plus favorisée ou qui frappent les produits Suisses de droits particulièrement élevés.

Le Conseil Fédéral peut aussi, dans d'autres circonstances extraordinaires, notamment en cas de disette, apporter temporairement au Tarif les changements qu'il jugera opportuns.

Dans les conditions indiquées aux alinéas 1 et 2, le Conseil Fédéral peut, en outre, prendre telles autres mesures qui lui paraîtront utiles.

Il devra, toutefois, porter à la connaissance de l'Assemblée Fédérale, à sa plus prochaine réunion, les dispositions de ce genre qu'il aurait prises, et celles-ci ne peuvent être maintenues que si l'Assemblée Fédérale les approuve.

36. Le Conseil Fédéral statue en dernier ressort, après avoir, en cas de besoin, entendu des experts, sur les recours dirigés contre les décisions prises par les autorités inférieures sur l'application du Tarif.

2. *Le Département des Douanes.*

37. Le Département des Douanes exerce la surveillance immédiate sur tout ce qui concerne les douanes. Il propose au Conseil Fédéral les mesures à prendre en matière de douane, donne son préavis sur les questions de douane à traiter par le Conseil Fédéral, pourvoit à l'exécution des lois et décisions relatives à cette branche de l'Administration et prend les mesures nécessaires dans les limites de la compétence qui lui est attribuée.

3. *Direction Générale des Douanes, Directions d'Arrondissements et Bureaux de Douane.*

38. Pour la direction de l'ensemble du service des douanes, le Département des Douanes a, sous ses ordres, la direction générale des douanes, à laquelle sont, à leur tour, subordonnées les directions des six arrondissements (Article 15).

L'ensemble du service d'expédition douanière et du service de surveillance de la frontière est placé sous les ordres des directions d'arrondissement chacune pour son arrondissement.

Les offices d'expédition douanière se divisent en bureaux principaux, parmi lesquels rentrent les entrepôts Fédéraux, et en bureaux secondaires.

Chaque bureau secondaire relève d'un bureau principal.

En cas de besoin, le Département des Douanes peut ériger, en dehors des bureaux de douane proprement dits, des postes spéciaux de perception, qui n'ont toutefois, en matière d'expédition douanière, d'autre compétence que celle de percevoir les finances de douane.

39. Le personnel de l'Administration des Douanes se compose de fonctionnaires et d'employés.

40. La catégorie des fonctionnaires comprend—

A la Direction Générale des Douanes :

Le Directeur-Général ;

Les Chefs de Section (Secrétaire-Général, Inspecteur-Général, Chef de la Statistique du Commerce) ;

Les Secrétaires, les Réviseurs, le Régistrateur, l'Intendant du Matériel et les Commis de Chancellerie.

Aux Directions d'Arrondissement :

Les Directeurs d'Arrondissement, les Secrétaires, les Caissiers, les Réviseurs et les aides ; en outre, les Chefs des Garde-frontière.

Aux Bureaux de Douane :

Les Chefs de Bureau, les Receveurs, les fonctionnaires chargés du contrôle et les aides.

41. Rentrent dans la catégorie des employés :

Les copistes et les concierges des autorités directrices ;

Les percepteurs, les visiteurs, et les garde-frontière, y compris les sous-officiers ;

Tout le personnel temporairement employé comme auxiliaire extraordinaire.

42. Les traitements des fonctionnaires et des employés permanents sont fixés par une loi spéciale ; les indemnités pour le personnel auxiliaire extraordinaire sont déterminées dans les limites du Budget par le Département des Douanes.

43. A la tête de la Direction Générale des Douanes est placé le

Directeur-Général; à la tête de chaque arrondissement il y a un Directeur.

A la tête de chaque bureau de douane est placé un Receveur, auquel il est adjoint, selon les besoins, un ou plusieurs fonctionnaires pour le contrôle, ainsi que le personnel nécessaire d'aides et de visiteurs.

Pour la direction de bureaux principaux très-importants, le Conseil Fédéral peut nommer un Chef de Bureau spécial, qui est alors préposé au Receveur et aux fonctionnaires chargés du contrôle.

44. Outre la direction immédiate de l'ensemble du service des douanes, la Direction Générale est chargée en particulier :

De préavis sur les questions à traiter par le Département, de faire des présentations pour les propositions de nomination de fonctionnaires à soumettre par le Département au Conseil Fédéral (Article 49), et de liquider elle-même les affaires qui rentrent dans son ressort en vertu d'une instruction spéciale élaborée par le Conseil Fédéral.

45. Les attributions et les devoirs des directions d'arrondissement et des bureaux de douane sont, de même, déterminés par une instruction spéciale du Conseil Fédéral.

46. Aucun fonctionnaire ou employé de l'Administration des Douanes ne peut, sans l'autorisation du Conseil Fédéral ou de l'office auquel cette compétence aurait été attribuée par le Conseil Fédéral, revêtir un autre emploi à côté de ses fonctions ou de sa charge, ni exercer ou faire exercer, pour son compte, une profession accessoire.

47. L'Administration des Douanes accordera, d'une manière équitable, les jours de repos ou les congés nécessaires à ses fonctionnaires et employés.

48. Les fonctionnaires et employés des douanes auxquels sont confiés des objets de valeur ou des sommes d'argent doivent fournir un cautionnement déterminé par le Département des Douanes.

4. Nomination et Révocation des Fonctionnaires et des Employés ; Compétence en matière de Discipline.

49. Les fonctionnaires des douanes sont nommés par le Conseil Fédéral, sur la proposition du Département des Douanes, pour une période de trois ans, qui expire le 31 Mars de l'année dans laquelle il est procédé aux réélections générales des fonctionnaires de la Confédération.

Les nominations faites dans l'intervalle ne sont valables que pour le reste de la période triennale en cours.

Si un emploi vient à être supprimé avant que la période triennale

soit écoulée, le Conseil Fédéral décidera s'il y a lieu d'allouer une indemnité au titulaire.

50. La nomination et la révocation des employés rentrent dans la compétence du Département des Douanes. Celui-ci peut, toutefois, déléguer cette compétence, en tout ou en partie, à la Direction Générale.

51. Celle-ci est compétente pour procéder à des permutations dans le personnel des aides (Article 40) et des employés (Article 41).

52. Les fonctionnaires et les employés de l'Administration des Douanes qui, avec intention ou par négligence, ne s'acquittent pas convenablement de leur service, enfreignent, d'une autre manière, leurs devoirs ou se conduisent d'une façon inconvenante peuvent, sans intervention judiciaire, être punis d'une amende d'ordre jusqu'à 70 fr., la compétence du Chef du Département allant jusqu'à 70 fr., celle du Directeur-Général ou de son remplaçant en cas d'absence jusqu'à 50 fr. et celle des Directeurs d'arrondissement, jusqu'à 30 fr.

Tout dommage causé par une infraction au service est, en outre, à la charge de celui qui l'a commise.

Les fonctionnaires ou employés punis peuvent recourir à l'autorité immédiatement supérieure à celle qui a prononcé la peine.

Les délits que des fonctionnaires ou employés de l'Administration des Douanes commettraient en leur qualité officielle seront déférés aux Tribunaux compétents, conformément à la loi sur la responsabilité des autorités et des fonctionnaires de la Confédération du 9 Décembre, 1850, et au Code Pénal Fédéral du 4 Février, 1853.

53. Le Conseil Fédéral a, en tout temps, le droit de révoquer, par décision motivée, les fonctionnaires de douane qui font preuve d'incapacité ou se rendent coupables de fautes graves.

Le Chef du Département, le Directeur-Général ou son remplaçant en son absence et les Directeurs d'arrondissements sont aussi autorisés à suspendre provisoirement, dans l'exercice de leurs fonctions, les fonctionnaires inférieurs ou les employés, sous réserve d'en donner immédiatement avis à l'autorité supérieure, à laquelle appartient la décision définitive.

Chapitre VII.—*Police des Douanes.*

54. Le Conseil Fédéral prendra les mesures nécessaires pour assurer, le mieux possible, la perception régulière des droits et pour donner au service des douanes l'assistance de police nécessaire; il érigera un corps armé de garde-frontière, placé sous la discipline du Code Pénal Militaire Fédéral.

Les garde-frontière ont le droit, lorsqu'ils sont dans l'exercice de leurs fonctions, de pénétrer dans les propriétés de toute nature, à l'exception des habitations et des enclos qui s'y rattachent directement, sous réserve de l'indemnité à accorder au propriétaire pour le dommage que celui-ci prouverait lui avoir été causé.

Lorsqu'ils sont à la poursuite d'un contrevenant qui fuit ou lorsqu'il s'agit d'empêcher qu'on ne fasse disparaître les pièces de conviction d'une contravention commise, les garde-frontière ont, en revanche, le droit de pénétrer sans autre dans les habitations et dans les enclos qui s'y rattachent directement.

Les visites domiciliaires à pratiquer pour constater une contravention sur laquelle on n'a encore que des indices doivent s'opérer selon les prescriptions de l'Article 5 de la Loi du 30 Juin, 1849, sur le mode de procéder à la poursuite des contraventions aux Lois Fiscales ou de Police de la Confédération.

Il est interdit de construire des bâtiments et enclos qui ne seraient pas à une distance de 2 mètres au moins de la frontière. Les dispositions des lois cantonales exigeant une plus grande distance demeurent réservées.

Les parties de territoire voisins de la frontière, de même que les propriétés qui la longent, peuvent être exclues de la ligne des douanes par le Conseil Fédéral, lorsque leur situation topographique ne permet pas de les surveiller d'une manière efficace.

Les organes de la police cantonale sont tenus de seconder de tout leur pouvoir le personnel Fédéral des douanes dans l'exercice de ses fonctions.

Chapitre VIII.—*Contraventions en matière de Douanes et leur Répression.*

55. Se rendent coupables d'une contravention en matière de douanes :

(a.) Ceux qui importent, exportent, font passer en transit ou sortent des entrepôts ou des bureaux de douane de l'intérieur des marchandises sans avoir satisfait aux prescriptions de la loi ;

(b.) Ceux qui, sans y être autorisés, importent ou exportent des objets passibles de droits par une route non permise en matière de douane ou par un lieu de débarquement non autorisé pour l'expédition douanière ;

(c.) Ceux qui, renvoyés d'un bureau secondaire ou d'un poste de perception à un bureau principal, s'écarterent de la route qui leur est prescrite ;

(d.) Ceux qui, entrant ou sortant avec des objets passibles de droits, dépassent de plus de 100 mètres le bureau de douane à la frontière sans s'y être mis en règle ;

(e.) Ceux qui ne déclarent pas pour l'acquittement ou ne déclarent qu'une partie de leurs marchandises ;

(f.) Ceux qui, pendant le trajet, substituent d'autres marchandises à celles qui avaient été expédiées en transit avec acquit à caution, de manière à introduire ces dernières sans payer les droits ;

(g.) Ceux qui déclarent leur marchandise d'une manière inexacte et fraudent ainsi les droits ;

(h.) Ceux qui déclarent un poids de plus de 5 pour cent trop faible et fraudent ainsi les droits ;

(i.) Ceux qui entrent en Suisse ou en sortent avec des objets passibles de droit, en dehors des heures d'expédition, sans se conformer aux prescriptions établies ou à établir par le Conseil Fédéral pour assurer la perception des droits.

56. Quiconque a commis une de ces contraventions est passible, pour la première fois, d'une amende pouvant s'élever à vingt fois le montant du droit fraudé ; en cas de récidive, la peine doit être aggravée et peut être portée au double du maximum de l'amende prévu pour la première contravention ; de plus, le droit fraudé doit être payé. Les marchandises dont l'importation est prohibée seront confisquées ; dans ce cas, le contrevenant ne peut être tenu de payer le droit d'entrée simple.

Les amendes pour contraventions de douane sont prononcées par voie administrative et par le Département des Douanes.

Le Département est autorisé à déléguer aux autorités directrices qui relèvent de lui sa compétence en matière de répression des contraventions, dans les cas où le droit fraudé n'excède pas 20 fr.

Si le contrevenant ne se soumet pas au prononcé de l'autorité administrative, la contravention doit, à teneur de la Loi du 30 Juin, 1849, sur le mode de procéder à la poursuite des contraventions aux Lois Fiscales ou de Police de la Confédération, être portée par le Département des Douanes devant les Tribunaux compétents.

57. Le personnel de l'Administration des Douanes a le droit d'arrêter les contrevenants qui n'ont pas de domicile fixe dans le pays et qui ne peuvent garantir le paiement de l'amende encourue ni par un dépôt, ni par un cautionnement suffisant. Ces contrevenants sont remis à l'autorité cantonale compétente, pour être maintenus en état d'arrestation jusqu'au prononcé définitif de l'autorité Fédérale.

58. Les infractions aux prescriptions de douane et en général aux mesures prescrites sur le service des douanes autres que celles qui tombent sous le coup de dispositions pénales inscrites dans la présente Loi sont punies par des amendes d'ordre pouvant aller jusqu'à 30 fr., le Département ayant compétence jusqu'à 30 fr., la

Direction Générale jusqu'à 20 fr., et les Directions d'arrondissement jusqu'à 10 fr.

59. Les dispositions pénales de la présente Loi sont, de même, applicables aux receleurs et aux complices de contraventions en matière de douane.

60. Un tiers des amendes effectivement perçues revient à la personne qui a dénoncé la contravention, le second tiers échoit au canton sur le territoire duquel la contravention a été commise et poursuivie, le reste est versé à la Caisse Fédérale. Cette disposition ne s'applique pas aux amendes d'ordre prononcées en vertu de l'Article 58; elles appartiennent en entier à la Caisse Fédérale.

Chapitre IX.—*Dispositions Finales.*

61. La présente Loi abroge celle du 27 Août, 1851.

62. Le Conseil Fédéral est chargé, conformément à la Loi Fédérale du 17 Juin, 1874, concernant les votations populaires sur les Lois et Arrêtés Fédéraux, de publier la présente Loi et de fixer l'époque à laquelle elle entrera en vigueur.

Ainsi décrété par le Conseil National, à Berne, le 27 Juin, 1893.

L. FORRER, *Président.*

RINGIER, *Secrétaire.*

Ainsi décrété par le Conseil des États, à Berne, le 28 Juin, 1893.

EGGLI, *Président.*

SCHATZMANN, *Secrétaire.*

Le Conseil Fédéral arrête la Loi Fédérale ci-dessus, publiée le 26 Juillet, 1893, sera insérée au Recueil des Lois de la Confédération et entrera en vigueur le 1^{er} Janvier, 1894.

Berne, le 31 Octobre, 1893.

Au nom du Conseil Fédéral Suisse :

SCHENCK, *Président de la Confédération.*

RINGIER, *Chancelier de la Confédération.*

PROCLAMATION by Her Majesty's High Commissioner for South Africa, respecting the Exemption of Regimental Canteens from certain Licences in the Bechuanaland Protectorate.—July 15, 1893.

WHEREAS it is expedient to empower the holders of regimental canteen licences issued under the provisions of my Proclamation of the 4th day of April, 1892,* during the currency of such licence, to trade within any of the territories defined in my Proclamation of the 27th September, 1892,† with members of the Bechuanaland Police Force, without taking out and possessing the licence required by section 23 of my Proclamation of the 10th day of June, 1891,‡ and also to deal in gunpowder within the said territories with the said members without taking out and possessing the licence required by Tariff 15 of Schedule 2 to "The Stamp and Office Fees Act, 1884:"

Now, therefore, under and by virtue of the powers, authorities, and jurisdiction conferred upon and committed to me by Her Majesty, I do hereby proclaim, declare, and make known as follows:—

1. Notwithstanding anything to the contrary contained in my Proclamation of the 10th day of June, 1891, "The Stamp Act, 1870," and "The Stamp and Office Fees Act, 1884," it shall be lawful for the holders of regimental canteen licences issued under the provisions of my Proclamation of the 4th day of April, 1892, to trade within the territories defined in section 3 of my Proclamation of the 27th day of September, 1892, with members of the Bechuanaland Border Police Force, without having previously obtained the licence required by section 23 of my Proclamation of the 10th day of June aforesaid, and also to deal in gunpowder within the said territories with the said members without having previously obtained the licence required by "The Stamp and Office Fees Act, 1884."

2. Any holder of such regimental canteen licence as aforesaid, who shall trade as aforesaid or deal in gunpowder as aforesaid, with any person not being a member of the Bechuanaland Border Police Force, without having previously taken out the particular licence required by law, for the performance of either of such Acts, shall be guilty of contravening section 30 of my Proclamation of the 10th day of June aforesaid, or section 6 of "The Stamp Act, 1870," as amended by "The Stamp and Office Fees Act, 1884," as the case

* Vol. LXXXIV, page 407.

† Vol. LXXXIV, page 358.

‡ Vol. LXXXIV, page 828.

may be, and shall be liable to the penalty provided in such Proclamation or Act, as the case may be, for a contravention thereof.

God save the Queen !

Given under my hand and seal, this 15th day of July, 1893.

(L.S.) HENRY B. LOCH, *High Commissioner*.

By command of his Excellency the High Commissioner,
GRAHAM BOWER, *Imperial Secretary*.

PROCLAMATION by Her Majesty's High Commissioner for South Africa, respecting Permits to Natives to purchase Ammunition in the Bechuanaland Protectorate.—November 15, 1893.

WHEREAS it is expedient to amend the Law relating to the granting of permits authorizing the purchase or receipt by natives of ammunition in the territory known as the Bechuanaland Protectorate (including the Tati district):

Now, therefore, under and by virtue of the powers, authorities, and jurisdiction conferred upon and committed to me by Her Majesty, I do hereby proclaim, declare, and make known as follows:—

1. My Proclamation dated the 4th day of October, 1892,* published in the "Government Gazette Extraordinary" of the 5th day of October, 1892; and of the 31st day of December, 1892,† and published in the "Government Gazette" of the same date, shall be and the same are hereby repealed, except as to acts done, rights acquired, liabilities incurred, offences committed, or proceedings taken before the taking effect of this Proclamation.

2. The operation of this Proclamation is limited to the territories as defined in section 3 of my Proclamation of the 27th day of September, 1892.‡

3. For the purpose of this Proclamation the following terms shall have the meaning herein assigned to them, namely:—

"Native" shall mean any aboriginal native belonging to any native tribe, and includes half-castes and all persons of mixed race living as members of any native community, tribe, kraal, or location.

"Ammunition" shall mean gunpowder, percussion caps, lead, and cartridges.

* Vol. LXXXIV, page 395.

† Vol. LXXXIV, page 401.

‡ Vol. LXXXIV, page 358.

4. It shall be lawful for any Resident Commissioner, Assistant Commissioner, or Magistrate, upon the personal application of and production of any native of a certificate under the hand of the Chief of the tribe to which such native belongs, or such other evidence as may be satisfactory to the Assistant Commissioner that such native is the owner or in lawful possession of a gun in respect of which no ammunition has been obtained during the year commencing the 1st day of January immediately preceding the date of the certificate, to grant to such native a permit authorizing the purchase or receipt by such native during the period in such permit stated, not exceeding the term of twelve months from the date thereof, of not more than 100 cartridges if the gun mentioned in such certificate shall be a breech-loader, or of not more than 5 lbs. of gunpowder, 500 percussion caps, and 20 lbs. of lead, if such gun shall be a muzzle-loader, and such Resident Commissioner, Assistant Commissioner, or Magistrate, shall, in case he shall grant such permit, enter thereon, and also in a register to be kept by him for that purpose, the particulars following, viz. :—

(a.) The name and residence of the grantee of such permit.

(b.) The amount and description of ammunition authorized to be purchased or received by virtue of such permit.

(c.) The date on which such permit shall be granted.

And such Resident Commissioner, Assistant Commissioner, or Magistrate shall affix his signature to such permit.

Provided, however, that it shall not be lawful for any Resident Commissioner, or Assistant Commissioner, or Magistrate, to grant more than one permit in respect of the same gun during the year commencing the 1st day of January immediately preceding.

5. Every such permit as aforesaid shall expire so soon as the grantee thereof shall have purchased or received the full amount of ammunition mentioned in such permit, and in any case such permit shall expire on the 31st day of December next after the date of the grant thereof.

6. One of the following fees shall be paid for and in respect of every such permit as aforesaid, viz. :—

(a.) The sum of 5s., if such permit shall authorize the purchase or receipt of cartridges ; or

(b.) The sum of 2s. 6d. if such permit shall authorize the purchase or receipt of gunpowder, percussion caps, or lead.

And every such fee shall be denoted by stamps to be affixed to such permit, and to be cancelled by the Resident Commissioner, Assistant Commissioner, or Magistrate granting such permit.

7. Every such permit as aforesaid shall authorize the receipt of the ammunition therein mentioned by the grantee thereof from no person other than a person licensed to deal in ammunition.

8. Any person not being such licensed dealer as aforesaid who shall deliver any ammunition to any native, whether such native shall or shall not be the grantee of any such permit as aforesaid, shall upon conviction be liable to a fine not exceeding 500*l.*, and in default of payment to imprisonment for any period not exceeding seven years unless such fine shall be sooner paid.

9. Any native who shall, when making application for a permit, produce to any Resident Commissioner, Assistant Commissioner, or Magistrate, any certificate knowing the same to be forged or to be false in any material particular, or who shall sell, exchange, barter, or dispose of any ammunition obtained by means of a permit granted under the provisions of this Proclamation otherwise than for the purpose in such permit stated, shall be liable upon conviction to a penalty not exceeding 100*l.*, and in default of payment to imprisonment with or without hard labour for any period not exceeding six months unless the fine be sooner paid.

10. It shall be the duty of every person licensed to deal in ammunition to keep a special book or register in which he shall enter in the case of any sale or supply of ammunition to any native, the particulars following, namely :—

(a.) The name and residence of such native.

(b.) The amount and description of ammunition so sold or supplied.

(c.) The date of such sale or supply.

(d.) The name of the Resident Commissioner, Assistant Commissioner, or Magistrate, whose signature shall be on such permit, and such licensed dealer shall, within the first fourteen days of every month, deliver, or cause to be delivered, to the Resident Commissioner, Assistant Commissioner, or Magistrate having jurisdiction over the place where such licensed dealer shall reside, a return or account of the sales or supplies of ammunition to natives by him, and every such return or account shall contain the particulars in this section mentioned, and shall be signed by such licensed dealer, and it shall and may be lawful for such Resident Commissioner, Assistant Commissioner, or Magistrate, or any person authorized by him, in writing, under his hand at all reasonable times to have access to such book or register.

11. It shall further be the duty of every such licensed dealer as aforesaid in the case of any sale or supply of any ammunition to any native to indorse on the permit authorizing the purchase or receipt thereof by the native producing the same the amount and description of ammunition so sold or supplied, and the date of such sale or supply, and the said dealer shall further affix his signature to such permit immediately opposite or beneath such indorsement; and such permit when so indorsed shall authorize the

purchase or receipt by the grantee thereof of such quantity of ammunition as shall, together with the amount or amounts, if any, previously indorsed on such permit in accordance with this Proclamation, not exceed the total quantity originally authorized to be purchased or received by such permit and no more.

12. Any licensed dealer in ammunition who shall be guilty of the following acts or offences shall, upon conviction in respect of each act or offence, be liable to a fine not exceeding 500*l.*, and in default of payment to imprisonment, with or without hard labour, for any period not exceeding seven years, unless such fine be sooner paid:—

(a.) Selling or supplying ammunition to any native who shall not be authorized by any such permit as aforesaid to receive the same.

(b.) Selling or supplying to any native a larger quantity of ammunition than such native shall by such permit be authorized to receive.

(c.) Wilfully and knowingly indorsing on any such permit as aforesaid a smaller quantity of ammunition than he shall have actually sold or supplied to the grantee of such permit.

(d.) Neglecting or refusing to indorse on any such permit as aforesaid the amount and description of ammunition sold by him to the grantee of such permit.

(e.) Making any false entry, or, with intent to defraud or deceive, altering or obliterating any entry in any book or register which, by this Proclamation, he is required to keep.

(f.) Neglecting or failing to make any such entries as aforesaid in the book or register he is by this Proclamation required to keep.

(g.) Delivering or causing to be delivered to the Resident Commissioner, Assistant Commissioner, or Magistrate any such return or accounts as mentioned in section 10 hereof, which shall, to his knowledge, be false in any material particular.

(h.) Selling or supplying any ammunition to any native whom he shall know not to be the grantee of the permit produced to him.

God save the Queen !

Given under my hand and seal, this 15th day of November, 1893.

(L.S.) HENRY B. LOCH, *High Commissioner*.

By command of his Excellency the High Commissioner,
GRAHAM BOWER, *Imperial Secretary*.

*SPEECH of the King of Roumania, on the Closing of the
Legislature.—Bucharest, June 1, 1893.*

(Traduction.)

MM. LES SÉNATEURS, MM. LES DÉPUTÉS,

EN clôturant la seconde Session de cette Législature, caractérisée par une activité absolue et féconde, je me sens heureux de vous exprimer ma vive satisfaction pour la façon dont vous avez accueilli le programme de réformes qui vous a été présenté par mon Gouvernement.

Dans cette Session, les projets de loi annoncés par mon Gouvernement ont été soumis à vos délibérations, et c'est ainsi que notre vie parlementaire a été conduite de plus en plus à la saine habitude d'exécuter dans le cours d'une Session le programme en vue duquel elle a été ouverte.

Parmi ces projets, quelques-uns sont déjà devenus des lois organiques; d'autres, comme la Loi communale, la Loi districtuelle et la Loi sur l'organisation du Ministère des Affaires Étrangères, ont été votées par un des Corps Législatifs et soumis à l'examen de l'autre; d'autres enfin, telles que la Loi de la Cour des Comptes, la Loi de la banque agricole, la Loi du service technique, la Loi sur les routes, la Loi des Justice de Paix, ont été approuvées par les sections d'un des Corps Législatifs, ce qui nous donne l'espoir qu'elles seront menées à bonne fin dans la prochaine Session.

Mais, en laissant de côté les améliorations qui ne sont pas encore accomplies, vos travaux méritent cependant de vous attirer la profonde reconnaissance du pays.

Par la Loi du clergé séculier vous avez complété l'œuvre du législateur de 1872, et, en donnant à l'église les moyens dont elle avait besoin pour lui permettre de remplir sa haute et sainte mission, vous avez résolu une des questions les plus importantes de notre organisme social, une des questions dont les intérêts permanents de la religion et du pays réclamaient la solution.

Par la Loi de l'enseignement primaire et de l'enseignement professionnel vous avez réalisé, en partie, la réforme de notre enseignement, car vous avez assuré ainsi la pénétration de la culture intellectuelle dans les couches les plus profondes du pays, et l'acheminement des nouvelles générations aux occupations qui contribuent le plus à l'accroissement et à la richesse de la nation.

Par le vote de la Loi sanitaire et de la Loi relative aux contrats agricoles vous avez continué l'œuvre des réformes qui tendent à l'amélioration du sort de notre population rurale, œuvre que vous avez commencée avec tant de zèle dans les Sessions passées;

enfin, par la Loi de la gendarmerie rurale vous avez donné à notre population campagnarde l'assurance si nécessaire de son développement pacifique.

En modifiant la Loi de constatation et de perception des contributions directes, destinée à apporter plus de justice dans la répartition des impôts, la Loi de comptabilité, et la Loi d'organisation du Ministère des Finances, vous avez donné une fois de plus la preuve de votre immuable résolution de maintenir l'ordre dans les finances de l'État. La preuve la plus incontestable de leur bonne situation actuelle est certainement le vote en temps voulu d'un budget dans lequel les frais de l'État se sont accrus de plus de 5 pour cent sans que l'équilibre du budget soit ébranlé, sans demander au pays de nouveaux sacrifices.

Dans votre désir, Messieurs, d'assurer les intérêts économiques du pays, en garantissant autant notre exportation que notre industrie naissante, vous avez inauguré l'œuvre de la conclusion de Conventions Commerciales qui assurent la stabilité de nos relations économiques, stabilité sans laquelle ni le commerce ni l'industrie ne peuvent prospérer.

Les intérêts de nos communes n'ont pas été oubliés. Pour leur donner le pouvoir de se créer de nouvelles ressources et d'apporter l'ordre et la méthode dans une matière où ils manquaient, vous avez voté la Loi du maximum des taxes communales avec cette décision qui est le devoir, l'honneur et la raison d'être même du régime parlementaire.

En réformant la Loi du recrutement, en réorganisant la cavalerie et en assurant la formation des cadres des sous-officiers, vous avez comblé une des lacunes principales de notre armée, et vous avez continué ainsi la série des améliorations qui répondent autant que possible à notre attente.

MM. les Sénateurs, MM. les Députés,

La joie profonde et générale avec laquelle le pays tout entier a reçu ma chère Nièce, les preuves incontestables de la confiance et du dévouement de mon peuple bien aimé pour moi et pour ma dynastie, dont les destinées sont si unies et liées dans l'avenir aux destinées de la nation Roumaine, ont réchauffé mon cœur et m'ont fait voir une fois de plus que le pays sait apprécier le labeur sans relâche que depuis vingt-sept ans j'apporte sur l'autel de la patrie !

MM. les Sénateurs, MM. les Députés,

Dans l'existence d'un pays qui marche en avant, l'œuvre des réformes n'est jamais achevée ; vos travaux d'aujourd'hui réclament vos travaux de demain.

En mon nom et au nom du pays je vous remercie.

Je déclare close la Session Extraordinaire des Corps Législatifs.

CAROL.

SPEECH of the King of Roumania, on the Opening of the Legislature.—Bucharest, November 27, 1893.

(Traduction.)

MM. LES SÉNATEURS, MM. LES DÉPUTÉS,

AUJOURD'HUI plus que jamais je me sens heureux de me trouver au milieu de la représentation nationale.

Le mariage de mon bien-aimé Neveu a été béni par la Providence. La naissance sur le sol de la Roumanie du jeune Prince Carol a resserré encore davantage les liens puissants qui unissent ma dynastie au sort de ce pays et assurent à jamais son avenir.

A cette occasion j'ai eu la satisfaction de constater une fois de plus combien profondément sont gravés dans le cœur de la nation l'amour et la fidélité envers le Trône.

MM. les Sénateurs, MM. les Députés,

Cette année encore nous pouvons constater avec une vive satisfaction que toutes les Puissances proclament, en toutes circonstances, leur volonté immuable de conserver au monde les bienfaits inappréciables de la paix.

Notre pays doit s'estimer heureux de ces déclarations solennelles, qui, en assurant la paix de l'Europe, nous permettent de travailler à notre développement dans toutes les voies du progrès.

La politique de la Roumanie étant elle-même conduite par le même désir, nos rapports avec toutes les Puissances sont amicaux et pleinement satisfaisants.

Vous pouvez donc poursuivre sans autre préoccupation et parfaire l'œuvre de réforme dont vous a chargés, il y a deux ans, la confiance de la nation, et que vous avez réalisée en partie dans les Sessions précédentes avec tant de zèle et de succès.

Indépendamment des projets que mon Gouvernement vous a déjà présentés et qui, faute de temps, ont été ajournés à cette année, les besoins toujours croissants de notre vie publique exigent de votre patriotisme éclairé la recherche d'autres mesures encore destinées à achever l'œuvre entreprise par vous.

Pour compléter la réforme administrative, mon Gouvernement soumettra à vos délibérations la Loi électorale communale et les

Lois sur l'organisation des communes rurales et sur les polices, et, autre part, pour compléter la réforme scolaire, si heureusement commencée, la Loi sur l'enseignement secondaire et supérieur.

Plusieurs Lois relatives à nos travaux publics restent encore en cours de délibération depuis la Session précédente. Mon Gouvernement achèvera cette œuvre en déposant un projet de Loi sur le régime des eaux et un autre projet sur la responsabilité des entrepreneurs en cas d'accidents.

Le Ministre de la Justice vous présentera la Loi modifiant le livre 3 du Code de Commerce, la Loi relative à l'organisation du Ministère, et la Loi sur les expropriations pour cause d'utilité publique.

Le développement de la production actuelle du pays et l'ouverture de nouvelles sources de richesses ont été la constante préoccupation de mon Gouvernement. Dans ce but, le Ministère des Domaines vous demandera la modification de la Loi forestière et accomplira la prescription de la Constitution qui met, à juste titre, la Loi sur les mines au nombre des Lois obligatoires. L'une et l'autre de ces deux Lois chercheront à concilier les intérêts généraux avec le respect le plus scrupuleux des droits particuliers.

La situation favorable à laquelle sont parvenues les finances de l'État, pendant les années précédentes, est restée tout aussi satisfaisante.

Le dernier exercice 1892-93 s'est soldé par un excédent de plus de 3,000,000, sans qu'il ait été besoin de recourir à la ressource extraordinaire de 3,887,000 lei prévue par le budget de cet exercice, et mon Ministre au Département des Finances vous soumettra des propositions tendant à l'emploi des sommes dont dispose aujourd'hui le trésor public par suite des excédents successifs des exercices clos.

Les encaissements des premiers six mois de l'année budgétaire courante ont dépassé cette année encore les évaluations correspondantes, et il est donc probable que cet exercice aussi clora dans les conditions également bonnes.

Ces résultats permettent au budget de 1894-95, qui est déjà préparé, de se présenter équilibré rien que moyennant des ressources normales, sans augmentation des impôts ou moyens extraordinaires, quoique nous ayons dû faire face à des besoins provenant de l'application des réformes déjà votées par les Corps Législatifs dans les diverses branches de l'administration publique.

Grâce à la réforme de notre système monétaire et à la consolidation de la valuta, accomplies avec succès au moment opportun, notre pays s'est trouvé à l'abri des perturbations provoquées dans d'autres États par la crise de l'argent. Le crédit de l'État Roumain est bien établi et les fluctuations insignifiantes qui se sont produites

dernièrement dans les cours de nos effets puisent leur origine dans des circonstances absolument étrangères à notre situation financière.

Les projets de modification de la Loi des licences et de révision de la Loi des patentes sont prêts à vous être soumis, afin que vous en délibériez en même temps que sur les projets qui n'ont pu être votés dans la Session dernière; vous complèterez ainsi successivement l'œuvre entreprise de réforme de notre organisation et de notre système financier.

L'expérience faite avec le nouveau Tarif Douanier et la nécessité d'assurer à nos produits agricoles les grands marchés de consommation de l'Europe nous impose une modification partielle de ce Tarif, modification qui, cependant, ne portera aucune atteinte à la protection de l'industrie nationale.

En étudiant la Convention conclue par mon Gouvernement avec l'Empire d'Allemagne, Convention qui sera soumise à vos délibérations, vous vous convaincrez que nous sommes parvenus à étendre les débouchés de notre production agricole sans amoindrir en quoi que ce soit la protection que le Tarif autonome accorde à notre industrie.

L'armée est dans le même état de prospérité que les années passées. Le pays peut absolument compter sur elle. Un sentiment de prudence nous a fait, cette année, supprimer les concentrations et les manœuvres d'automne, si nécessaires à son instruction; mais l'expérience a suffisamment démontré qu'à l'avenir, en de semblables circonstances, il ne sera plus nécessaire de s'imposer un tel sacrifice.

La réforme du Code Pénal Militaire et celle de la Loi d'organisation de l'État Major-Général seront soumises à votre examen dans la Session actuelle.

MM. les Sénateurs, MM. les Députés,

Le pays attend de vous l'achèvement des sages réformes auxquelles vous avez déjà consacré vos infatigables efforts. En travaillant ainsi, vous vous maintiendrez à la même hauteur dans la présente Session, et je ne doute pas que l'œuvre législative de cette Assemblée ne demeure un des monuments les plus importants de notre vie parlementaire et ne constitue une page mémorable dans les annales de la Roumanie.

Que Dieu bénisse vos travaux.

CAROL.

SPEECH of the Queen-Regent of the Netherlands, on the Opening of the States-General.—The Hague, September 19, 1893.

(Traduction.)

MESSIEURS,

C'EST avec un sentiment de reconnaissance que je puis, à l'occasion de l'ouverture de la Session Ordinaire des États-Généraux, donner au sujet de la situation générale du pays des communications satisfaisantes à beaucoup d'égards.

Les relations avec toutes les Puissances étrangères sont éminemment amicales. L'invitation que j'ai adressée à plusieurs Gouvernements dans le but de préparer une entente concernant le règlement de certaines questions touchant le droit international privé a été accueillie favorablement.

La flotte et l'armée continuent, tant dans le pays que dans les Colonies, à s'acquitter de leur tâche d'une manière digne de tout éloge.

Dans plusieurs localités les résultats de la récolte ont été moins favorables par suite de la sécheresse prolongée du commencement de l'été. L'état du bétail peut être considéré en général comme satisfaisant. Aucun changement notable ne s'est produit dans l'état du commerce, de l'industrie, et de la navigation.

L'état sanitaire général est satisfaisant. Jusqu'ici le pays est resté préservé d'une propagation sérieuse des maladies contagieuses qui ont si gravement menacé la santé publique et le bétail dans le courant de l'année dernière.

Des travaux de la plus haute importance vous attendent de nouveau pendant cette Session.

J'en appelle en premier lieu à votre co-opération pour continuer et terminer l'examen du projet de Loi, dont la discussion est restée pendante, et qui a pour objet de régler le droit électoral pour la Seconde Chambre des États-Généraux et pour les États Provinciaux.

Les projets de Loi, dont vous avez déjà été saisis, demeurent recommandés à votre appréciation.

Un projet de Loi sur la discipline militaire sera soumis incessamment à vos délibérations. D'autres propositions tendant à améliorer notre législation vous seront également présentées.

L'état des finances du pays est satisfaisant. Une augmentation des impôts n'est pas requise, et les fonds dont dispose le Trésor suffisent à couvrir les exigences du service.

Un projet de Loi destiné à garantir la sécurité et l'hygiène dans les fabriques et ateliers, vous sera présenté.

Des propositions vous seront soumises, ayant pour objet l'amélioration de l'administration publique dans les Indes Néerlandaises.

J'en appelle à nouveau avec confiance, Messieurs, à votre zèle et à votre dévouement.

Puissent vos travaux, sous la bénédiction de Dieu, contribuer à la prospérité durable de notre patrie bien-aimée.

Au nom de la Reine je déclare ouverte la Session Ordinaire des États-Généraux.

*BRITISH NOTIFICATION respecting the Claims of British Subjects on the Government of Venezuela. — London, August 22, 1893.**

Foreign Office, August 22, 1893.

THE Earl of Rosebery, K.G., has received the following despatch from Her Majesty's Consul at Carácas, respecting the claims of British subjects on the Venezuelan Government:—

MY LORD,

British Consulate, Carácas, July 12, 1893.

I have the honour to inclose copy and translation of a communication received yesterday from Count von Kleist, returning all British claims in his possession, his Excellency stating that they should be presented by the interested parties or their attorneys to the Commission of Public Credit.

I herewith send copies of Decree establishing this Commission, which is referred to in above-mentioned despatch, and trust that your Lordship will approve of my having informed Mr. Ch. H. de Lemos, the British Vice-Consul at Ciudad Bolivar, of the above measure, as per inclosed copy of my despatch to him, as nearly all the claimants reside in Guiana.

I have, &c.,

The Earl of Rosebery.

H. L. BOULTON.

(Inclosure.)

(Translation.)

SIR,

Carácas, July 8, 1893.

As the claims of British subjects due to the late revolution, deposited at this Legation, may be numbered amongst those that may be submitted for examination to the Commission of Public Credit in accordance with Articles 10 and 11 of the Decree of the 9th June, published in the official "Gazette" of the 12th June last, it is necessary that the claimants should, without delay, present

* "London Gazette," August 25, 1893.

their duly authorized petitions to said Commission, either personally or through their attorneys.

To this end this Legation returns to Her Majesty's Consulate, for delivery to the claimants or their agents, after retaining a record thereof in its archives, the claims that in due time were sent to it, along with one from the Carenero Railway Company.

As the Resolution referred to affords claimants a possibility of the restitution of their rights, they should, without loss of time, take the necessary steps not to be further on excluded therefrom. Herewith I send all the documents relative to claims of British subjects.

KLEIST, *Imperial German Minister Resident.*

H. L. Boulton, Esq.

DECREE of the Netherlands Government, for carrying out, as far as relates to Netherlands India, Article 2 of the Law of the 30th September, 1893, containing provisions concerning Trade-Marks.—The Loo, November 9, 1893.

(Translation.)

IN the name of Her Majesty Wilhelmina, by the grace of God Queen of the Netherlands, Princess of Orange-Nassau, &c. ;

We, Emma, Regent of the kingdom ;

On the proposal of the Ministers of the Colonies and of Justice, dated the 4th October, 1893, and 10th October, 1893 ;

Having consulted the Council of State ;

Having regard to the subsequent Reports of the Ministers aforesaid of the 3rd November, 1893, and of the 7th November, 1893 ;

Having regard to the Convention concluded at Madrid on the 14th April, 1891, ratified by the Law of the 12th December, 1892, and to Article 2 of the Law of the 30th September, 1893 :

We have sanctioned and approved the following Articles :—

ART. 1. The Department of Justice in Netherlands India, as a Branch Office of the Head Office for Industrial Property installed at the Hague, is charged with the service relating to industrial property in Netherlands India.

That Branch Office is also a Branch Registration Office, charged with supplying information to the public concerning trade-marks in Netherlands India.

The Branch Office shall furnish the Head Office at the Hague with all the information required by the latter Office relating to industrial property.

2. The right to an exclusive use of any mark distinguishing any person's manufactures or articles of commerce from those of another person belongs to that person who has first made use of that mark for the intended object in Netherlands India or in the Netherlands, Surinam, or Curaçao, but only for that description of goods for which he uses it, and for not longer than three years from the date of its having been last used.

In the absence of proof to the contrary, and in accordance with the provision contained in the following paragraph, the person who was the first to comply with the instructions in Article 3 shall be accounted as the person who first made use of the mark sent in.

Every person who has sent in a mark to the Branch Office for Industrial Property within the dates fixed in Article IV of the International Convention for the Protection of Industrial Property, concluded at Paris on the 20th March, 1883,* and which he has deposited, according to the regulations, in one of the States that are parties to that Convention, with due observance of Article VI of the Convention aforesaid, shall be accounted as having used that mark in Netherlands India from the beginning of the date applicable to the case.

3. In order to obtain the registration of a mark, the person concerned shall send to the Branch Office for Industrial Property two copies, with his signature affixed, of a distinct drawing, and with them a corresponding accurate description of his mark. In this description must also be mentioned the kind of wares for which the mark is intended, and the address of the sender.

The mark may also be sent in by another person, with an authorization in writing.

The mark must contain no words or representations at variance with public order or morality. It must not contain, even with a slight variation, the arms or the seal of any legally-recognized Corporation.

The sum of 10 fl. must be paid on every mark sent in, and in no case will this amount be returned.

4. The mark sent in according to the foregoing Article, reserving the provision in Article 8, shall be entered by the Branch Office for Industrial Property, within three days from the receipt thereof, in the public register appointed for that object, the form being the same as that decided on by the Minister of Justice according to Article 5 of the Law of the 30th September, 1893.

The two copies of the drawing sent in and the description shall be initialled, with the date annexed, and the number under which they have been entered in the register.

One of these copies shall be returned to the sender within three days after this registration.

In the case mentioned in the second paragraph of Article 3 the authorization shall be attached to the other copy.

5. The descriptions mentioned in Article 3 of the marks registered since the last public announcement shall be inserted by the Branch Office for Industrial Property in the next number of the "*Javasche Courant*," the kind of wares for which they are intended, and the addresses of the senders being stated.

A drawing of the mark shall be annexed to each announcement if the sender has deposited a "*cliché*," 1·5 centim. at least in length and breadth, and not exceeding 10 centim., and 2·4 centim. thick. This "*cliché*" shall, when done with, be returned to the sender on his request.

These announcements shall be made in separate supplements of the "*Javasche Courant*," which shall be separably accessible for public inspection.

6. All persons, whether residing or not residing in Netherlands India, having their principal trade and industrial establishments there, who wish to secure protection for a mark already sent in according to Article 3, in other States also which are parties to the Convention of Madrid mentioned in this Decree, shall send to the Branch Office for Industrial Property four more copies, one with their signatures annexed, of a distinct drawing of such mark, and either a "*cliché*," as described in the preceding Article, or a French translation, also signed, of the description of the mark sent in according to Article 3.

The second paragraph of Article 3 is applicable in this case.

The sum of 55 fl. for each mark must be paid on sending it in, which will in no case be refunded.

If the mark sent in according to Article 3 is not registered in accordance with Article 4, the Branch Office for Industrial Property shall give notice to the sender that the application for registration at the International Office at Berne cannot be entertained.

If the mark has been registered according to Article 4, the Branch Office for Industrial Property shall at once send, inclosing the sum of 50 fl., the three unsigned copies of the drawing mentioned in the first paragraph, with the "*cliché*" or the signed French translation of the description of the mark, to the Office at the Hague, which shall make immediate application for its registration at the International Office at Berne.

The Branch Office shall retain the copy of the drawing with the signature, which shall be initialled.

The Office at the Hague shall immediately inform the Branch Office of everything brought to its knowledge by the International

Office at Berne in relation to the mark, and the Branch Office shall notify the sender of anything that affects his interests.

The Office at the Hague shall also send to the Branch Office the copy of the application for registration returned from the International Office at Berne.

7. Whenever the Office at the Hague receives notice from the International Office at Berne, according to Article III of the aforesaid Convention of Madrid, respecting the international registration of a mark sent in to the Branch Office in accordance with Article 6 of this Decree, or of a foreign mark, it shall transmit an initialled copy of that notice to the Branch Office, where, reserving the provision in Article 8, the mark to which the notice refers shall, within three days from its receipt, be entered in the public register thereto assigned, the form of which corresponds with that sanctioned by the Minister of Justice, according to Article 8 of the Law of the 30th September, 1893.

The copy received of the notice shall be initialled, and the date and the number under which it is entered in the register shall be added.

If the international registered mark, according to Article 6, was sent to the Branch Office for Industrial Property, that Office shall, as soon as possible, give notice of the international registration to the sender, and a certificate, with date annexed, of the registration mentioned in the first paragraph of this Article.

The supplement of the "Journal" of the International Office at Berne in which the announcement of international registered marks has appeared shall be provided for the inspection of the public at the Branch Office, and the Office at the Hague shall send the copies required to that Office.

Notice of these supplements being supplied shall also be published in the "Javasche Courant."

8. If the mark sent in according to Article 3, or the foreign mark mentioned in Article 7, is identical with or closely resembles one registered for the same description of goods in the name of another person, or which has been sent in previously by another person, or if it is at variance with the provision of the last paragraph but one of Article 3, the Branch Office for Industrial Property may refuse registration, notice of which it shall give in writing to the sender within three days from the receipt of the mark, or as soon as possible after the date of the receipt of the notice mentioned in Article 7 to the Office at the Hague, which shall notify the refusal to the International Office at Berne.

The sender of the mark in accordance with Article 3, or the sender of the mark mentioned in Article 7, may apply to the Council of Justice at Batavia, either himself or through the medium

of an authorized person, in a letter with his signature annexed, for an order for the registration of his mark. The sender in accordance with Article 3 shall present this request within three months, and the sender of the mark mentioned in Article 7 within one year from the date of the notice.

9. If the mark registered in accordance with Article 4, or the foreign mark registered in accordance with Article 7, is identical with or closely resembles one to which another person has a right for the same description of goods by Article 2, as regards the mark registered in accordance with Article 4, that person, within six months from the date of the announcement in the "Javasche Courant" prescribed in Article 5, and as regards the foreign mark registered in accordance with Article 7 within six months after the notice prescribed, may apply to the Council of Justice at Batavia, either himself or through the medium of an authorized person, in a letter with his signature annexed, for the registration to be set aside.

If the mark is at variance with the provision in the last paragraph but one of Article 3, the Public Prosecutor may, within the same period, require of the Council mentioned in the preceding paragraph that they shall annul the registration.

10. The Registrar shall give notice in writing, within three days, to the Branch Office for Industrial Property of every request mentioned in Article 8 or Article 9, and of every requisition of the Public Prosecutor mentioned in Article 9.

11. The Council of Justice shall give its decision in the Council Chamber.

The decision on a request made under Article 8 shall not be given until the petitioner has had the opportunity of defending his claim to the registration of the mark, and the Head of the Branch Office for Industrial Property of defending his refusal of the registration.

The decision on a request or requisition made under Article 9 shall not be given until the sender of the mark has been heard or duly summoned on the day fixed by the Council of Justice, which shall be notified in writing by the Registrar to the Branch Office for Industrial Property, and, if it relates to a mark registered under Article 4, shall be notified to the sender a fortnight at least beforehand by legal notice of the hearing of the request or of the requisition, and of the day appointed for the same.

If it relates to a mark registered under Article 7, the Branch Office shall give notice of the request or requisition to the Office at the Hague, and shall inform this Office as soon as possible, and three months at least beforehand, of the day for the hearing fixed by the Council of Justice.

The Office at the Hague shall notify as soon as possible all particulars to the International Office at Berne.

At the hearing the petitioner and, in the case provided for in the second paragraph of Article 9, the Public Prosecutor may explain, by word of mouth, the grounds of the request or of the requisition.

Before the conclusion of the hearing prescribed in this Article, the Judge shall fix the day on which he will give his decision.

12. No appeal to a higher Court is permitted.

Within one month from the day on which the decision was announced, an appeal in cassation may be lodged. The petition to that effect, if it relates to a mark sent in under Article 3 or to a mark registered under Article 4, shall be duly notified to the other party.

If the appeal is for the object of obtaining an order for the registration of a mark, the Branch Office for Industrial Property shall be accounted as the other party.

In all other appeals in cassation, not instituted by the Branch Office for Industrial Property, the Registrar of the High Court of Justice of Netherlands India shall give notice in writing, within three days, to the Branch Office.

If the appeal in cassation relates to a mark as mentioned in Article 7, the Branch Office shall give notice thereof to the Office at the Hague, which shall then notify it to the International Office at Berne.

13. All persons not residing in Netherlands India, on sending in marks under Article 3 or Article 6, and on presenting petitions under Article 8, Article 9, or Article 12, must choose an address in Netherlands India.

All summonses shall be served at the address chosen.

14. The Registrar shall, within three days, give notice in writing to the Branch Office for Industrial Property of the decision of the Council of Justice.

The like notice shall be given by the Registrar of the High Court of Justice of the result of the appeal in cassation. The Branch Office aforesaid shall register the mark or make a note of the annulling of the registration in the column assigned thereto of the public register in which the mark was entered, according to the decision of the Council of Justice, as soon as it is in force, or of the High Court of Justice, if that Court has decided the case.

The registration shall then be accounted as made on the day of the sending or of the receipt of the notice mentioned in Article 7.

The Branch Office shall send the notices prescribed in this

Article, so far as they relate to a mark mentioned in Article 7, to the Office at the Hague, as soon as the decision is in force.

This Office shall, as soon as possible, give notice thereof to the International Office at Berne.

15. The Branch Office for Industrial Property shall make announcements of—

(1.) The refusal to register a mark in accordance with Article 7, as soon as the period prescribed in the second paragraph of Article 8 has elapsed without a petition having been presented as there mentioned, or as soon as the adverse decision on that petition is in force;

(2.) The nullification of registration of a mark of which the description has already been published in the "Javasche Courant," or of which the announcement of its international registration has already appeared in the supplement to the "Journal" of the International Office at Berne;

(3.) A registration ceasing to be valid for one of the reasons mentioned in Article 17, Nos. (1) or (3);

(4.) The transfer of a mark registered under Article 4, and made note of under Article 19.

The announcements prescribed in this Article shall be published in the separate supplements of the "Javasche Courant" mentioned in the third paragraph of Article 5.

16. The public registers mentioned in Articles 4 and 7 shall be open for the inspection of all persons, free of charge, at the premises of the Branch Office for Industrial Property.

Any person may obtain an extract or copy at his own expense, the costs to be reckoned according to Article 7 of the tariff of law charges and salaries in civil cases for European Courts.

On payment of 50 cents, if preferred in postage stamps of Netherlands India, of the Netherlands, of Surinam, of Curaçao, or of any of the other States which are parties to the aforesaid Paris Convention, all persons may obtain written information relating to the contents of the public registers of the Branch Office for Industrial Property mentioned in Articles 4 and 7.

17. A registration ceases to be in force—

(1.) By the removal of it at the request of the person in whose name it is entered, or when the transfer is annotated according to Article 19;

(2.) On the expiration of twenty years from the day on which the registration was made according to Article 4 or Article 7, if the registration was not renewed before the expiration of that period;

(3.) By the registration ceasing to be in force, or being refused in the country of origin.

The fact of the registration ceasing to be in force for one of the

reasons mentioned in Nos. (1) or (3), with a statement of those reasons, shall be noted in the column assigned for that purpose in the public register in which the mark was entered.

18. The registration of a mark shall be renewed if the owner, before the termination of the period named under No. (2) of the preceding Article, has complied with the formalities prescribed for its original deposit according to Article 3.

The copies deposited, mentioned in the first paragraph of Article 3, shall be initialled, and the date of the renewed registration added.

The renewed registration shall be effected by the Branch Office for Industrial Property by entering the date in the column assigned for that purpose in the public register in which the mark was entered.

On the renewed registration of a mark, entered according to Article 4, one of the copies mentioned in the second paragraph of this Article shall be returned to the person who has a claim to it.

The fourth paragraphs of Article 4 and Article 5 are also applicable in this case.

The third and fourth paragraphs of this Article hold good as regards a mark sent in for renewed registration with due observance of the formalities of Article 6.

The renewed registration of a mark registered in accordance with Article 7 shall not be effected until the copy mentioned in that Article of the notification prescribed in Article III of the aforesaid Convention of Madrid has been received from the Office at the Hague. The copy of the notification shall be initialled, and the date annexed on which the renewed registration was effected.

A certificate duly dated shall be issued to the person concerned as soon as possible, of the renewed registration in Netherlands India of a new international registered mark which, in accordance with Article 6, has been sent to the Branch Office for Industrial Property.

19. The transfer of a mark to another person, registered according to Article 4, shall not be notified unless the manufactory or place of business of the person whose wares the mark was intended to distinguish has been transferred to such other person.

The certificate of this transfer shall be recognized in an initialled extract from the document relating to it, to be deposited at the Branch Office for Industrial Property.

The transfer shall be made note of in the margin of the registration, so far as relates to marks registered under Article 4, at the request in writing of the parties, and so far as relates to marks registered under Article 7, after notice has been received of the transfer from the Office at the Hague.

Five florins shall be paid for costs of making note of the

transfer of a mark registered in accordance with Article 4, the payment to be made when the request for the notification is presented.

20. The Branch Office for Industrial Property shall immediately give notice of a registration ceasing to be in force, as also of the transfer of an international registered mark sent in under Article 6 to the Office at the Hague, which shall communicate the notices to the International Office at Berne.

21. The marks which have been already registered at the date of this Decree coming into operation, in accordance with the instructions of the Royal Decree of the 6th April, 1885, as amended by the Royal Decree of the 10th July, 1888, shall have the same protection as if they had been registered in accordance with this Decree. The twenty years mentioned in Article 17 (2) begin, for those marks, to run from the day on which the registration was made according to the Decree first mentioned.

Those marks shall be accounted as having been sent in according to Article 3 in applying Article 6 of this Decree, and the French translation of the description to be sent in according to that Article shall be replaced by one of those which were sent in according to Article 1 of the Royal Decree of the 6th April, 1885, aforesaid.

22. A mark already made note of by the Registrar of the Council of Justice at Batavia, at the date of this Decree coming into operation, on the written request of the sender, shall be at once registered by the Branch Office for Industrial Property in the public register mentioned in Article 4, reserving the provision in Article 8.

The second and third paragraphs of Article 4 are applicable to such a mark, as also other Articles of this Decree, but be it understood that—

(1.) As regards Article 6, the mark shall be accounted to have been sent in according to Article 3, and the French translation of the description sent in according to that Article shall be replaced by one of those which were sent in by Article 1 of the Royal Decree of the 6th April, 1885, amended by that of the 10th July, 1888;

(2.) Refusal of registration is not allowed, and a request or requisition for annulling the registration is not admissible if at the date aforesaid six months have already elapsed since the announcement in the "Javasche Courant" prescribed in Article 2 of the Decree last mentioned;

(3.) The period of six months fixed in Article 9 shall be reduced by as many months as at the above date have already elapsed since the announcement in the "Javasche Courant" prescribed in Article 2 of the Decree last mentioned;

(4.) Requests or requisitions as mentioned in Article 3 of the

above Decree, which at the aforesaid date may be pending at the Council of Justice at Batavia, or at the High Court of Justice in Netherlands India, shall be treated and decided by them, with due observance of Article 10 to Article 14 inclusive of that Decree, as if their object were to nullify the registration.

23. At the date when this Decree comes into operation all registers and other documents relating to trade-marks shall be transferred from the Registry of the Council of Justice at Batavia to the Branch Office for Industrial Property.

24. This Decree is not applicable to marks in use by public authorities.

25. On this Decree coming into operation, the Royal Decree of the 6th April, 1885, as amended by that of the 10th July, 1888, ceases to be in force, with the exception of Article 10, which is still valid.

26. As regards Netherlands India, this Decree shall come into operation on the 1st January, 1894.

The Ministers of the Colonies and of Justice, so far as each is concerned, are charged with the execution of this Decree, which shall be inserted in the "Staatsblad," and a copy thereof sent to the Council of State.

The Loo, November 9, 1893.

EMMA.

V. DEDEM, *Minister of the Colonies.*

SMIDT, *Minister of Justice.*

NOTIFICATION of the Government of the Netherlands, respecting the Establishment of a Trade-Marks Bureau at the Hague.—The Hague, November 22, 1893.

(Translation.)

THE Minister of Justice informs all persons concerned :

At the same date, viz., Friday, the 1st December next, when the Law of the 30th September relating to trade-marks comes into operation, the Bureau for Industrial Property, mentioned in Article 1 of that Law, will be installed.

That Bureau, from the 1st December next, is exclusively charged with the registration of trade-marks. From the date aforesaid such marks must, therefore, be no longer sent in to the registry of a Law Court, but to the Director of the Bureau for Industrial Property at the Hague, post paid.

In order to obtain registration in the Netherlands, a "cliché" of the mark, in length and breadth not less than 1·5 centim. and not

exceeding 10 centim. and not more than 2·4 centim. thick, which can be distinctly produced in print, must be sent in, as also two signed copies of a distinct drawing and a careful description of the mark, mentioning the nature of the goods for which the mark is intended, and the address of the sender. On sending in marks the amount of 10 fl. must be inclosed for each mark.

An international registration may also be obtained for a mark registered at the Office in the Netherlands to include Netherlands India, Surinam, Curaçao, Belgium, and its Colonies, France, Portugal, with the Azores and Madeira, Spain, and Cuba, Porto Rico, and the Philippines, Tunis, and Switzerland.

For this object the person concerned shall send to the Director of the Bureau three copies, one with his signature, of the distinct drawing of the mark and a "cliché" as aforesaid, together with the sum of 55 fl. for each mark.

Marks already *notified* at the registry of a Court of Law before the 1st December next, but not yet *registered*, may also be registered at the Bureau aforesaid. No other formality is required for this object than a written application to the Director, with satisfactory proof of the notification. In no case can the registration be effected at the Registry of the Court of Law on or after the 1st December.

An international registration may also be obtained for marks notified at the Registry of a Court of Law before the 1st December next, provided that they have also been already registered at the registry before that date or later on at the Bureau. In the application made for international registration to the Director of the Bureau, the handing over of a "cliché" of these marks is not absolutely necessary, but it is desirable. If needs be a French translation duly signed of the description of the mark sent in previously to the Registry of the Court of Law may be substituted.

Further information on the subject may be obtained at the Bureau for Industrial Property on and after the 1st December next.

If information in *writing* is required, the sum of 50 cents, if preferred in postage stamps, must be inclosed with the application.

The Bureau aforesaid shall be installed provisionally in the building of the Department of Justice, on the Plein at the Hague, and shall be opened to persons concerned on all working days from 10 A.M. till 2 P.M.

The Hague, November 22, 1893.

SMIDT, *Minister of Justice.*

ORDINANCE of the Government of Hong Kong, to consolidate and amend the Law relating to the Grant in this Colony of Letters Patent for Inventions.

[No. 2.]

—

[April 1, 1892.]

(L.S.) WILLIAM ROBINSON, *Governor*.

BE it enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof, as follows:—

1. This Ordinance may be cited for all purposes as “The Patent Ordinance, 1892.”

2.—(1.) It shall be lawful for the inventor or for the owner by assignment, transmission, or other operation of law, of any invention or of the exclusive right thereto within this Colony to petition the Governor for Letters Patent for any invention, for which Letters Patent have already been granted in England; and such Petition may be in the form set forth in Schedule (A) hereto.

(2.) Every such Petition shall be accompanied by a Specification of the said invention identical as far as practicable with the Specification filed on the Petition for Letters Patent for the said invention in England, and by a declaration which may be in the form set forth in Schedule (B), or in such other form, not being less specific, as to the Governor shall appear proper.

(3.) Every such declaration shall be made before some person duly authorized to administer an oath in the country where it is made and every person who shall knowingly make any untrue or false statement in any such declaration shall, upon conviction, be liable to the penalties of perjury.

3. Such Petition, Specification, and Declaration shall be sent to the Office of the Colonial Secretary, and notice thereof and of any intention to apply for such Letters Patent, and of the time of the sitting of the Executive Council before which the matter of the Petition will come for decision, together with such other particulars as the Governor shall require, shall be inserted twice in the “Gazette,” and shall be otherwise advertised as the Governor shall direct.

4. The Governor in Council shall, at the sitting to be so appointed for deciding on such Petition for Letters Patent as aforesaid or at any adjournment thereof, determine on such application for Letters Patent, and grant or refuse the prayer of the said Petition as shall appear expedient, and for such time or times not exceeding the then duration of the Letters Patent for the said invention or for any less period, and subject to such conditions in all respects as to the Governor in Council shall seem fit. The said Letters Patent may be in such form as is prescribed by “The

Patents, Designs, and Trade-Marks Acts, 1883 to 1888," or any rules made thereunder, or as near thereto as circumstances will permit.

5. Letters Patent to be granted under this Ordinance shall confer all the rights and privileges, and shall subject the grantees thereof to all the provisions, affecting Letters Patent in England as fully as if the same had been granted with an extension thereof to this Colony by Her Majesty under the provisions of the Statutes now in force in England, or as near thereto as the circumstances of this Colony will admit of.

6. In case Her Majesty shall, by the advice of the Judicial Committee of Her Majesty's Privy Council, extend the privileges of any Letters Patent in England for any invention for any period, it shall be lawful for the Governor in Council to extend in like manner such Letters Patent if already granted for this Colony, or otherwise to grant original Letters Patent for a like extended period for the same invention.

7.—(1.) There shall be kept at the Colonial Secretary's Office a book called "The Register of Patents," in which shall be entered the names and addresses of all grantees of patents under this Ordinance, notifications of assignments, and of transmissions of such patents, and of extensions and revocations thereof.

(2.) The "Register of Patents" shall be *prima facie* evidence of all matters directed or authorized by this Ordinance to be inserted therein.

(3.) The record or file of all patents granted under the Ordinances hereby repealed shall be deemed part of the Register of Patents, and kept therewith.

8.—(1.) Where a person, which term shall include a body corporate, becomes entitled by assignment, transmission, or other operation of law, to a patent for which Letters Patent have been granted in this Colony, and which Letters Patent are valid and subsisting, the Governor in Council shall, on request and on proof of title to his satisfaction, cause the name of such person to be entered as the proprietor of the patent in the "Register of Patents."

(2.) The person for the time being entered on the "Register of Patents" as the proprietor of a patent shall, subject to any rights appearing from such register, or to any prior title duly recorded prior to the passing of this Ordinance, and subject to all equities affecting the same, have power absolutely to assign, grant licences as to or otherwise deal with the same and to give effectual receipts for any consideration for such assignment, licence, or dealing.

9. The "Register of Patents" shall at convenient times be open to the inspection of the public, and certified copies under the hand

of the Colonial Secretary or such other officer as may hereafter have the custody thereof of any entry in such register or record shall be given to any person requiring the same upon payment of the fees hereinafter provided.

10. It shall be lawful for the Governor to direct, by order to be published in the "Gazette," that the record or file of patents heretofore kept under the Ordinances hereby repealed, and the Register of Patents herein provided for, be transferred from the Colonial Secretary's Office to such place, and be placed under the custody of such officer, as he may think fit.

11.—(1.) The Governor in Council may make and, when made, may, from time to time, alter, amend, or revoke rules and regulations for the better carrying out of this Ordinance, and a table of fees to be charged and paid thereunder.

(2.) Such rules and regulations and fees shall, from time to time, be notified in the "Government Gazette," and shall take effect from the date specified in such notification.

(3.) Until altered, amended, or revoked, the fees in Schedule (C) hereto shall be the fees under this Ordinance.

12. Ordinances Nos. 14 of 1862, No. 6 of 1890, and No. 8 of 1891, are hereby repealed, but such repeal shall not affect any right acquired, privilege granted, or anything lawfully done or suffered under the said Ordinances, or any or either of them.

Passed the Legislative Council of Hong Kong, this 28th day of March, 1892.

A. M. THOMSON, *Acting Clerk of Councils*.

Assented to by his Excellency the Governor, the 1st day of April, 1892.

G. T. M. O'BRIEN, *Colonial Secretary*.

SCHEDULE (A).

Form of Petition.

The humble Petition of A. B. [*or, as the case may be, of C. D., as agent for A. B.*], &c.

THAT your Petitioner [*or, as the case may be, that A. B., of whom your Petitioner is the agent, assignee, executor, or administrator*] has obtained Her Majesty's Letters Patent, dated the day of , 189 , for [*state the title of the invention as granted*], and that such Letters Patent are to continue in force for years from the day of 189 ;

That your Petitioner believes that the said invention is not now, and has not hitherto been, publicly used in this Colony ;

That the following is the description of the said invention : [*Here state the*

particulars shortly in accordance with the Specification on which the Letters Patent in England were granted]:

Your Petitioner therefore prays for leave to file a Specification of the said invention, pursuant to the provisions of "The Patent Ordinance, 1892."

And your Petitioner will ever pray, &c.

SCHEDULE (B).

I [*here insert name, condition, and place of residence*] do solemnly and sincerely declare that I am, [*or, if made by an agent, then that A. B. of is*] in possession absolutely [*or, if made in respect of a locally confined interest, then within the Colony of Hong Kong, or according to fact*] of an invention for [*state the nature of the invention in terms of the English Patent*], and which invention, I believe, will in all probability be of great public utility within Hong Kong; and that the same is not publicly used within the said Colony; and that to the best of my knowledge and belief the instrument in writing under my hand hereunto annexed particularly describes and ascertains the nature of the said invention and in what manner the same is to be performed.

Dated the day of , 189 .

(Signed)

SCHEDULE (C).

	Dol. c.
For filing petition of inventor or of owner by assignment, transmission, &c., for which Letters have not theretofore been granted in the Colony	5 00
On grant of Letters Patent	25 00
On application for extension	5 00
On grant of extension or original Letters in lieu of extension	25 00
On application for registration of notifications of assignments, transmissions, &c.	5 00
On registering notifications of assignment, transmission, &c.	2 50
For every inspection and search of Register, &c.	1 00
For certified copies of entries under the hand of the Colonial Secretary for every extract not exceeding a folio of seventy-two words	2 00
And for every folio or portion of a folio exceeding seventy-two words at the rate of (per folio)	0 25

NOTE.—Applicants must, in addition, pay the cost of all requisite advertisements in the "Gazette" and other papers.

ACT of the Government of the Cape of Good Hope, to amend the Law regarding the Landing, Shipment, and Removal of Fire-arms and Ammunition.

[No. 17.]

[Assented to, August 27, 1892.]

BE it enacted by the Governor of the Cape of Good Hope, with the advice and consent of the Legislative Council and House of Assembly thereof, as follows:—

1. For the purposes of this Act the following terms shall have the meaning assigned to them by this section, unless such meaning be inconsistent with the context:

“Fire-arms” means guns, pistols, and all parts thereof, and any other description of fire-arms, and all parts thereof, wherein any explosive is capable of being used.

“Ammunition” means any explosive capable of being used in the explosion of fire-arms, and includes cartridges, cartridge cases, shot, bullets, lead, and percussion caps.

2. The 2nd, 3rd, 4th, and 5th sections of the Ordinance No. 7 of 1834, being an Ordinance for regulating the trade in gunpowder in this Colony, the 2nd, 3rd, 4th, 5th, 6th, and 7th sections and first Schedule of the Ordinance No. 2 of 1853, as perpetuated by Act No. 28 of 1864, and such other provisions in the said Ordinances or any other law as may be repugnant to, or inconsistent with, the provisions of this Act, are hereby repealed.

3. From and after the taking effect of this Act, no fire-arms or ammunition shall be landed or removed from the landing-place, or from any bonding warehouse, or shipped to any boat, craft, or vessel, at any port in this Colony, without the permission in writing of the Collector or other principal officer of Customs at such port, and under such regulations as may be prescribed by the Governor in that behalf: Provided that no fire-arms or ammunition shall be shipped to, landed, or removed from the landing-place or any bonding warehouse at Port St. John's or at Walfisch Bay, or at any such port as the Governor may determine and notify by Proclamation in the “Gazette,” without the authority of his Excellency the Governor, or some person duly authorized thereto by him; and provided further that nothing in this Act contained shall extend to the removal by sea of lead pipes or sheet lead for building and such like purposes; nor shall anything in this Act be construed to extend to or affect fire-arms or ammunition the property of Her Majesty the Queen or the Colonial Government, or any such articles proved, to the satisfaction of the Collector or other officer of Customs, to be really and *bonâ fide* intended for the use of mariners or others

navigating the ship or vessel on board of which such articles may be shipped, or for the personal use of any passenger arriving or proceeding by sea.

4. It shall be lawful for the Governor from time to time to make, alter, amend, or revoke rules and regulations for the landing, removal, and shipment of fire-arms and ammunition at any port in this Colony, and for generally carrying out the provisions of this Act, and all such rules and regulations when made shall be published in the "Gazette," and when so published shall have the force of law.

5. Any person who shall contravene any of the provisions of section 3 of this Act, or any regulation made and published as provided for in section 4, shall be liable to a fine not exceeding 100*l.*, and, in default of payment, to imprisonment, with or without hard labour, for any period not exceeding three years, or to both such fine and imprisonment; and all fire-arms or ammunition landed, removed, or shipped in contravention of any such section or regulation, and all vehicles and animals made use of in the removal of such fire-arms or ammunition, shall become forfeited to the Colonial Treasury.

6. This Act shall come into operation upon a date to be fixed by the Governor by Proclamation in the "Gazette," and may be cited as "The Fire-Arms and Ammunition Act, 1892."

*ACT of the Government of Newfoundland, to regulate the
Prosecution of the Seal Fishery.*

[Chap. 2.]

— [Passed June 1, 1892.]

BE it enacted by the Governor, the Legislative Council, and House of Assembly, in Legislative Session convened, as follows:—

1. No steamer shall leave any port of Newfoundland or its dependencies for the prosecution of the seal fishery before the hour of 6 o'clock in the forenoon of the 12th day of March in any year, under a penalty of 4,000 dollars, to be recovered from the master, owner, or other person on whose account such steamer shall have been sent to such fishery: Provided that, in the event of the said 12th day of March falling on Sunday, any steamer may leave port for such fishery at any time after 4 o'clock in the afternoon of the previous day.

2. No seals shall be killed by any crew of any steamer, or by any member thereof, before the 14th day of March, or after the 20th day of April in any year, nor shall seals so killed be brought into any port of this Colony or its dependencies, as aforesaid, in any year, under a penalty of 4,000 dollars, to be recovered from the

master, owner, or other person on whose account such steamer shall have been sent to such fishery.

3. No steamer shall proceed to the seal fishery from any port of this Colony or its dependencies on a second or subsequent trip in any year under a penalty of 4,000 dollars, to be recovered from the master, owner, or other person on whose account such steamer shall have been sent to such fishery ; provided that if it be shown to the satisfaction of the Collector, Sub-Collector, or other Customs officer of the port from which said steamer sails, that the steamer has been forced by any accident to return to port during the first trip, she shall not be deemed to have gone upon a second or subsequent trip if she leaves port before the 25th day of March in any year.

4. For the purposes of this Act, steamers which have been on a first trip shall be deemed to be on a second or subsequent trip if they shall engage, at any time during the same year, in killing seals at any place within the jurisdiction of the Supreme Court of Newfoundland after returning from such first trip ; and the master and owners shall be liable to the same penalties as provided in the 3rd section of this Act. Any complaints, on information, under this section, shall be made within three months next after the return of the said steamer to a port of this island.

5. Sealing masters violating any of the preceding sections of this Act shall be incompetent for two years after conviction for any offence thereunder to be employed to command steamers at the seal fishery, or to be cleared at the custom-house as masters of such steamers.

6. No officer of Her Majesty's Customs in this Colony shall clear any steamer for a sealing voyage before the 11th day of March in any year : provided that, in the event of the said 11th day of March falling on Sunday, such steamer may be cleared on the preceding Saturday.

7. No action shall be brought by any person to recover any penalty provided by this Act, except as provided by the 4th section of this Act, after twelve months from the time such penalty shall have been incurred.

8. All penalties incurred under the preceding sections of this Act shall be sued for and recovered in a summary manner before a Stipendiary Magistrate by any person who shall sue for the same ; one-half of such penalty shall go to the person who shall sue for and prosecute the same, and the remainder to the Receiver-General for the use of the Colony : Provided that if the person so prosecuting under this section, having made the complaint before a Stipendiary Magistrate, refuse or neglect to prosecute the same with effect, to judgment, within three months after making the same complaint, it shall be lawful for any other person to make a com-

plaint, as required by the same section, and to proceed thereon to conviction as if no other complaint had been made.

9. If any person shall feel himself aggrieved by any judgment of a Stipendiary Magistrate under this Act, he shall have liberty to appeal therefrom to the then next sitting of Her Majesty's Supreme Court at St. John's: Provided that notice of the same shall be given to the Magistrate within twenty-four hours after such judgment shall have been delivered, and within five days thereafter recognizances or other security, with or without sureties, at the option of such Magistrate, shall be entered into to prosecute the same without delay, and pay such amount as may be awarded with costs.

10. The Acts mentioned in the Schedule to this Act are hereby repealed to the extent mentioned in the third column of that Schedule.

SCHEDULE.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
42 Vict., c. 1	An Act respecting the Prosecution of the Seal Fishery.	The whole Act.
46 Vict., c. 1	An Act to amend an Act passed in the 42nd year of the reign of Her present Majesty, entitled "An Act respecting the Prosecution of the Seal Fishery."	The whole Act.
50 Vict., c. 23	An Act to regulate the taking of, and right of property in, seals.	The whole Act.
52 Vict., c. 1	An Act to amend the Law relating to the taking of seals and the right of property therein.	The whole Act.

ACT of the Government of Newfoundland, to amend Title XV, Chapter 54, of the Consolidated Statutes, entitled "Of Patents."

[Chap. 17.]

[Passed June 1, 1892.]

BE it enacted by the Governor, the Legislative Council, and House of Assembly, in Legislative Session convened, as follows:—

1. After the expiration of one week from the date of the delivery
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into the office of the Colonial Secretary of the petition, oath, and description of invention, as prescribed in sections 1, 4, and 5 of Chapter 54, Title XV, of the Consolidated Statutes, entitled "Of Patents," and until the expiration of six months from said date of delivery, the applicant for Letters Patent for any invention shall have the like privileges and rights as if Letters Patent under the provisions of the said Chapter had been sealed and delivered on the date of said delivery.

*CORRESPONDENCE relative to the Suppression of Slave-raiding in Nyasaland (British Central Africa).**—1891, 1892.

No. 1.—Commissioner Johnston to the Marquess of Salisbury.—
(Received April 6, 1892.)

(Extract.)

The Residency, Zomba, November 24, 1891.

I HAVE the honour to lay before your Lordship a Report of the measures which I have taken to suppress the Slave Trade in British Central Africa since my arrival at Tshiromo in the middle of last July.

In undertaking the proceedings against certain notable slave-raiders and traders which are to be detailed in this despatch, I wish to point out that I have been prompted by two motives. In the first place, I bore in mind your Lordship's earnest injunction conveyed in my formal instructions "to suppress the Slave Trade by every legitimate means in my power." In the secondary aspect of the situation, I felt bound to make our Protectorate in Nyasaland a reality to the unfortunate mass of the people who are robbed, raided, and carried into captivity to satisfy the greed and lust of bloodshed prevailing among a few Chieftains of the Yao† race, these again being incessantly incited to engage in internecine war or slave-raiding forays by the Arab and Swahili slave-traders who travel between Nyasaland and the German and Portuguese littoral.

Wherever it was possible by means of peaceable and friendly negotiations to induce a Chieftain to renounce the Slave Trade I have used such means in preference to a recourse to force; and in this way a considerable number of the lesser Potentates of Nyasaland have been brought to agree to give up adjusting their internecine quarrels by resort to arms, to cease selling their subjects

* Extracted from Parliamentary Paper, "Africa No. 5, 1892."

† The invading "Ajawa" of Livingstone.

into slavery, and to close their territories to the passage of slaves and slave-traders. Their agreement, however, was in most cases a sullen one, and their eyes were turned instinctively to the nearest "big" Chief to see in what way he was dealt with. If he, too, accepted this distasteful gospel of peace and good-will towards men they were then ready enough to adhere to their own compacts, and even to be zealous (hoping reward) in carrying out the more active provisions thereof; but if the powerful Potentate—the champion man of war of the district—held aloof from the new Protectorate, massed his forces in the hill strongholds, and preserved a watchful or menacing attitude towards the Administration by ignoring or rejecting its proposals for a friendly understanding, then the little Chieftains began to relax in their good behaviour of a month's or a week's duration, once more to capture and sell their neighbour's subjects, or to smuggle through their by-paths a coast caravan, with its troop of slaves, bound for Kilwa, Ibo, or Quilimane.

Consequently, I soon realized—indeed, I knew before I returned to this country for the second time—that there were certain notabilities in Nyasaland who would require to be induced or compelled to give up the Slave Trade before our Protectorate could become a reality. Who these were, and how they have been dealt with, will be set forth in the accompanying Report.

I also forward a copy of an official Report addressed to me by Captain Cecil M. Maguire, dealing with our little campaign on Lake Nyasa and the Upper Shiré. My personal testimony to the gallantry and excellent behaviour of these Indian soldiers is given in the pages of my own Report, which I herewith submit to your Lordship's consideration, trusting that the proceedings it details may meet with your Lordship's approval.

The Marquess of Salisbury.

H. H. JOHNSTON.

P.S.—List of inclosures in this despatch:—

1. Report on measures taken to suppress the Slave Trade in Nyasaland.
2. Messrs. Bowhill and Bradshaw's letter about Tshikumbu.
3. Letter of thanks from same.
4. Mr. Whyte's Report on Mount Milanji.
5. Letter from late Sultan of Zanzibar to Makanjira, with translation.

H. H. J.

P.S. No. 2.—Just as I was completing the inclosed Report the sad news of Captain Maguire's death at Kisungah arrived. I have not, however, thought it necessary on that account to hold

back the Report, or to modify it in consequence of this deplorable accident.

December 29, 1891.

H. H. J.

(*Inclosure 1.*)—*Report on Measures taken to suppress the Slave Trade in British Central Africa.—July to December, 1891.*

On the 16th July, 1891, I arrived at Tshiromo, a place at the junction of the River Ruw with the Shiré, which may be called the chief port of the Shiré highlands, since it is usually the farthest inland limit of all-year-round navigation on the part of the British gun-boats and commercial steamers plying between the Chinde mouth of the Zambezi and the British possessions in the interior. In commencing my administrative work as Her Majesty's Commissioner in the British Protectorate of Nyasaland, and in the extensive territories beyond,* which are placed under the Charter of the British South Africa Company, it was incumbent on me to take some decisive measures to check the Slave Trade and the misery and depopulation it caused in the regions of Central Africa now brought under British control. With this object in view, I resolved first to get rid of the Slave Trade in the southern half of Nyasaland, and bring that stretch of territory into an orderly and peaceful condition before extending my operations further afield.

The "big men" in this part of the Protectorate with whom it behoved me to deal, and whom I must either persuade or coerce into acceptance of an anti-Slave Trade policy and sufficient subservience to the new Administration as would put an end to further civil wars and inhuman practices, were the following:—

Makanjira and Kazembe, ruling on opposite coasts of the south end of Lake Nyasa;

The "Makandanji" clan of Chiefs (Tshindamba,† Zarafi, and Mkata) which dominates the country between the east bank of the Upper Shiré, Lake Pamalombwe, and the Portuguese boundary;

Mponda, the powerful Chief holding the Shiré where it leaves Lake Nyasa, and possessing a large tract of country along its western bank;

The Angoni Chief, Tshifisi, who dwells behind Mponda;

* These two divisions of the territories under British influence to the north of the Zambezi are included in the comprehensive designation of "British Central Africa."

† Formerly known by the name of Makandanji, which name he changed to Tshindamba on becoming a Mahomedan. The name, however, sticks to his country.

Tshingwalu-ngwalu and Msamara, Yao Chiefs along the western bank of the Upper Shiré, half-brothers and bitter haters of Mponda ;

Liwonde, a Chief ruling an exceedingly rich tract of land along the east bank of the Upper Shiré ;

Tshikusi, the great Angoni Chieftain dominating all the hill country between the west bank of the Shiré and the Portuguese frontier ;

Kawinga, one of the most powerful of the Yao Chiefs, who dwells near the north-west corner of Lake Shirwa, and who commands a great slave-route to the coast ; and, lastly—

Tshikumbu, who, after being for some years a roving bandit living on the plunder of the Mission caravans between Blantyre and the Upper Shiré, at last settled down on Mount Milanji to a steady career of slave-trading.

To subdue these Potentates, if recalcitrant, I had at my command the following police force :—

Seventy-one Indian soldiers (from 32nd and 23rd Sikh Regiments, and the Haiderabad Lancers), commanded by Captain Cecil Maguire, of the 2nd Haiderabad Lancers contingent ; ten Swahili police (from out of the 120 recruited by permission of His Highness the Sultan of Zanzibar).*

The cost of maintaining this police force is borne by the British South Africa Company. The armament was mainly furnished by the War Office, and consists of Snider rifles and a 7-pounder cannon.†

The first of the Chiefs to claim our attention was Tshikumbu, the last mentioned on my list.

This man had for some eight years past harassed and raided the A-mañanja (Wa-Nyasa) tribes living on and round Mount Milanji. He and his brother Tshingomanji were intrusive Yaos from the north, and were aliens in the land who had simply imposed themselves as Chiefs in the territories once belonging to a Mañanja Ruler named Tshipoka. This man died a year or so back, and to prevent his country (formerly an extensive one, about the size of Surrey) from being wholly devoured by Tshikumbu and Tshingomanji, the chief men of Tshipoka's country and Tshipoka's heir asked Mr. Acting Consul Buchanan to summon a meeting on Mount Milanji in August 1890, and then and there on the 13th of that month made over, in a document signed by them, the whole sovereign rights of Tshipoka's country to the Queen.

* The remainder of this force has been mainly employed in road-making, &c., under Captain Sclater, R.E.

† Since added to by a Maxim-gun from the British South Africa Company, and two 9-pounder cannons from the Arsenal at Woolwich.—H. H. J.

Tshikumbu, however, did not cease his evil courses, though his brother, Tshingomanji, apparently contented himself with the territory he had carved out of Tshipoka's country, and settled down on it in peace. Europeans attempting to pass through Tshikumbu's town on their way to the coast were stopped, maltreated, and robbed by Tshikumbu. Mr. Buchanan in this way suffered at his hands on one occasion. Later on, and not very long ago, an Englishman named Pidder was seized by Tshikumbu (merely because he could not afford to pay the present demanded), flogged, and put in the stocks. Mr. Fred. Moir, of the African Lakes Company, got together a force of Europeans and natives and marched to the relief of Mr. Pidder. Tshikumbu stopped their approach for awhile by threatening to cut Mr. Pidder's head off. Fortunately, however, through the assistance of some friendly natives, Mr. Pidder succeeded in freeing himself and in escaping.

I should not, however, have moved so promptly against Tshikumbu had he not begun to threaten the lives of some English planters who had settled in or near his country by his permission.

I believed their position to be critical, so I dispatched on the 17th July (the day after my arrival at Tshiromo) Captain Cecil Maguire (commanding the Indian contingent of the British Central Africa Police) with fifty Indian soldiers, and Mr. Hugh C. Marshall (Police officer at the Ruo) to Tshikumbu's country to make inquiries into these complaints, and, if possible, arrive at an understanding with Tshikumbu on the question of slavery.

They reached Tshikumbu's town on the 21st July, but unfortunately found that Tshikumbu had made up his mind to fight, for the expeditionary party were received in a hostile manner and repeatedly attacked. Tshikumbu himself, after wounding a sick soldier (Tabha Singh, 32nd Pioneers) in the neck, managed to escape. The town, however, was captured, and subsequently Tshikumbu's forces were again defeated, and finally dispersed on the 22nd. The pursuit of Tshikumbu proving fruitless, Captain Maguire devoted himself to effecting a settlement of the country which should prove peaceful and permanent. Tshikumbu's people were told that they might return to their towns and remain there unmolested if they abstained from all further hostile proceedings, which invitation they speedily accepted. A large number of slaves were found in Tshikumbu's chief town, and were informed by Captain Maguire that they were now free. Only three of them, however, were actually released by him and sent back to their homes in Tshipoka's country, the bulk of the slaves preferring to remain and settle in Tshikumbu's country on the assurance that they were now free.

Tshingomanji, Tshikumbu's brother, bore a fairly good character.

among the European settlers on Milanji, but unfortunately he had joined Tshikumbu, in a quite unprovoked manner, in attacking our forces on the 21st July. Consequently he had to be dealt with as an enemy. He fortunately stayed further hostile proceedings by surrendering himself unconditionally as a prisoner. He agreed to pay a fine of eight small tusks of ivory (about 50% in value), and to come down to Tshiromo to give in his submission to me as Representative of Her Majesty. I subsequently reinstated him in his territory under certain conditions, which have been forwarded to your Lordship for sanction and approval, and I have further recognized him as sole Chief in Tshikumbu's stead over the little Yao Principality (carved out of Tshipoka's territory) on Milanji.

Captain Maguire was much helped in the final settlement of affairs in the Milanji district by Mr. Hugh C. Marshall and Dr. William Scott, of the Church of Scotland Mission. Unfortunately, in the second attack in Tshikumbu's town a house belonging to the Church of Scotland Mission was accidentally burnt, having been set fire to by some native allies of ours who did not know that it belonged to the Mission, the house not differing materially in appearance from a native dwelling, and not having been occupied for some time by a white man. My attention, however, having been drawn to the circumstance by the head of the Mission at Blantyre, I inquired into the matter, and eventually paid the Mission 15*l*.* in compensation for the damage done.

As far as I can ascertain, there was but little loss on the enemy's side in the various skirmishes and attacks on Milanji. Only two dead bodies were seen. Tshikumbu, however, was severely wounded before he disappeared, and it is not known whether he recovered. He has never been heard of any more. On our side only one soldier was wounded (Tabha Sing, 32nd Pioneers). He was shot through the side of the neck, but soon recovered, and has since been on active service. But the fatigue, cold, and want of food (for, unfortunately, the rear party leaving Tshiromo after the main body with most of the food supply took the wrong road, and did not reach Milanji) told severely on the health of the expeditionary party. Captain Maguire and Mr. Marshall both had severe attacks of fever, and one Sikh soldier (Juwala Singh, of the 32nd Pioneers) died about three weeks after the Milanji expedition from an affection of the heart, brought on, no doubt, by severe exertions in mountain-climbing. This, I am thankful to say, has hitherto been the only death which has occurred among the 218 negroes, white men, and Indians attached to my administration.

The result of Captain Maguire's expedition to Milanji has been

* Deducted from the amount realized by Tshikumbu's and Tshingomanji's ivory (63*l*. 4*s*.).

entirely satisfactory. Tshikumbu has been heard of no more, and Tshingomanji's and Tshipoka's people have settled down quietly and industriously to their agricultural work. The Church of Scotland Mission has commenced rebuilding at Tshikumbu's old town, and, in addition, has applied for the lease of a site of land at the top of Milanji, on Government ground, where they can build a sanatorium in a climate which is that of the temperate regions all the year round. Other European settlers and coffee-planters have come to Milanji to acquire estates for the cultivation of coffee, and while encouraging the advent of European enterprise and capital to the utmost in these undeveloped lands, too long abandoned to the slave-raids, devastations, and forest burnings of internecine negro wars, I have taken ample precautions to safeguard native interests and to secure to the natives not only the land they now occupy, but sufficient reservations of territory to meet that increase in their population which will, I trust, be found to follow the establishment of peace and security for their persons and property.

I might add that Milanji Mountain is over 9,000 feet in height (approximately 9,300 feet), and is a great, broken plateau with nearly precipitous sides, except where the accumulated débris washed down by the numerous torrents has formed a kind of gently sloping rampart round the base. It is the highest land in South Central Africa between the Drakensberg Mountains of Natal and Rungwa, near the north end of Lake Nyasa, or, if Mount Rungwa prove, as it may, a few feet lower, then between Natal and Kilimanjaro. The mountain-mass or range of Milanji is about 12 miles long by 8 miles broad, and is wholly within the limits of the British Protectorate. The plateau at the top is nearly 40 square miles in extent, has an average elevation of 6,000 feet, a temperate climate, and is admirably suited for the establishment of a European colony, the more so as, owing to the cold, it is without a single negro inhabitant, and is only visited at times by natives of Tshipoka's country, who go up there to obtain salt by the burning of certain grasses.

Mr. Alexander Whyte* was dispatched by me to examine the fauna and flora of Mount Milanji, and I append the Report with which he has furnished me.

Captain Schlater,† R.E., is now engaged in surveying Milanji, assisted by Mr. Henchman, C.E., and a road is being constructed thither from Tshiromo at the junction of the Ruo and the Shiré.

* A naturalist and scientific horticulturist, sent out at the expense of the British South Africa Company to work under my instructions, and to make a thorough investigation into the natural history of British Central Africa.

† Holding rank as Captain in the British Central Africa Police; Lieutenant in the Royal Engineers.

Having sufficiently dealt with Tshikumbu and stopped slave-raiding in the Milanji district, I resolved to turn my attention to the slave-raids in the vicinity of Lakes Nyasa and Shirwa. Here again it was the Yao Chiefs who did the slave-raiding, though the evil was accentuated by the presence of Arab and Wa-Swahili slave-traders, or ivory merchants wanting slave porters, who often prompted the raids and civil wars by which the slaves were obtained.

Mr. Acting Consul Buchanan, in a despatch dated the 13th July, 1891, had brought to my notice that Makanjira, the most notorious slave-raider on Lake Nyasa, was again in a state of maleficent activity, and was engaged, in conjunction with his ally, Kazembe of Rifu, in raiding the south-west shore of Lake Nyasa. Against Makanjira also we had other grave causes of complaint. He had repeatedly seized and carried off boats from the Universities' Mission Stations on the east shore of the lake, and had on one occasion murdered a head boatman belonging to the Mission; all this without the slightest provocation whatsoever. Moreover, when in 1888 Acting Consul Buchanan and the Rev. W. P. Johnson had gone in the Mission steamer to see Makanjira, and had landed unsuspectingly at his town to have (as they thought) a friendly conference with him, he had stripped them naked (an Arab standing by tossed Mr. Johnson back his shirt), and had flogged Mr. Buchanan on the beach. Everything they possessed was taken from them, including a valuable gold watch of Mr. Buchanan's. Their lives were only spared under a heavy ransom, sent from the Mission steamer, and paid in cloth, beads, candles, soap, and paint for Makanjira's daughters.

Makanjira had ever since taken a high rank on the lake as having most outrageously insulted the Queen's Representative without receiving any punishment for his misdeeds from the British Government. He had therefore taken advantage of his supposed immunity (he thought we were afraid to tackle him) to ravage the south-western shores of the lake and carry off the people into slavery. My attention having been repeatedly called by members of the Universities' Mission, agents of the African Lakes Company, and latterly by Acting Consul Buchanan, to the barbarities Makanjira was perpetrating, I had at different times, to wit, the 2nd January, 1890, the 26th April, 1890, and the 19th July, 1891, written to Makanjira warning him that punishment would certainly be inflicted on him of an exemplary kind if he did not cease slave-raiding and trading, restore to the Universities' Mission their boats which he had stolen, and make amends by the payment of a fine of ten tusks of ivory, and the sending a written apology for the insult offered to Acting Consul Buchanan. To these letters no answers were received,

except verbal messages of a defiant character, which may or may not have been the invention of intermediaries.

Whilst I was preparing at Zomba, in the month of September last, for an expedition against Makanjira, a deputation arrived from the Angoni Chief Tshikusi, or rather, I should explain, from Tshikusi's heir, for Tshikusi himself, the great Angoni Chief who was visited by Mr. Montagu Kerr in 1882, by Consul Hawes in 1886, and who had concluded a Treaty (placing himself under British protection) with Mr. Alfred Sharpe in 1890, was dead.* His son, who had quietly succeeded him and had assumed the name of Tshikusi, wished to inform me of the fact and declare his allegiance to the Queen. He further sent to crave protection against Mponda, the powerful Yao Chief on the Upper Shiré, who had taken advantage of the interregnum in Angoniland to make a raid across the borders, destroy six villages, and capture many people. Almost simultaneously there came in some of my Swahili police (whom I had sent to Lake Nyasa to report on what was going on), and these men brought me the news that war had broken out again between Mponda and the Makandaji clan for no other reason apparently than a desire to catch each other's people and sell them as slaves. So I decided to pause first of all at Mponda's, and try to settle the quarrels of this Upper Shiré district before proceeding to Makanjira's.

I started from Zomba on the 30th September with Captain Cecil Maguire (Commandant of Indian contingent British Central Africa Police), Dr. Sorabji Boyce, the Parsee surgeon to the Indian contingent, and sixty-eight Sepoys from the Haiderabad Lancers, and the 32nd and 23rd Sikh Pioneers. I also had with me ten of the Zanzibari police lent me by the Sultan of Zanzibar, and a few Makua from Mozambique. After five days spent in waiting for the arrival of two barges of the African Lakes Company at Mpimbi (our Zomba "port" on the Upper Shiré), we loaded the said barges with most of our baggage and a few of our men, and proceeded to march up the left (east) bank of the Shiré towards the lake. Passing through the rich, well-cultivated country of Liwonde, our reception was decidedly "reserved," and Liwonde's people would sell us no food, and often refused to give any information, or even return an answer when questioned about the road or the names of towns. The fact is, through Liwonde's land passes one of the great slave-routes of Africa. From the Angoni countries west of the Shiré and Lake Nyasa the Arab, Swahili, and Yao caravans proceed to Ibo, Angoche (Ngoshi), and Quilimane across the Shiré,

* He died in the beginning of August or end of July in the present year (1891).

via Liwonde's and Kawinga's countries, and thence round the north and south end of Lake Shirwa. Consequently, Liwonde's country is full of evil-looking coast people and Arabs who have obtained considerable hold over the land, and are carrying on an industrious Mahommedan propaganda by teaching the people's children to read and write and recite the Koran. These men, it might be imagined, guessing that our presence in the country was inimical to their slave-trading, scowled on us as we went by, and probably only our well-armed, alert, little army of forty or fifty stalwart Sikhs and Punjaubi Mahommedans prevented overt acts of malice on their part. I must, however, except from this denunciation one very worthy old Arab whom I have known ever since 1889, and who has always held aloof from the Slave Trade, Sherif Abu Bakr. This man was helpful to the British during the war at the north end of Nyasa, and his influence over Liwonde—in whose country he has made his home—is exerted emphatically in our favour. Abu Bakr alone came forward with friendly words and offerings of food, and he gave me then and afterwards much information about the Slave Trade. As a hint from him first set us on the track of a slave caravan at Mponda's which we subsequently succeeded in breaking up, I sent him a small present on my return to Zomba, to encourage him in this co-operation with us.

Liwonde himself is by no means a bad character: indeed, if he were oftener sober he might be taken as a very good type of a native Chief. Unfortunately, although no foreign forms of alcohol ever penetrate the Valley of the Upper Shiré, it is, as I have related in the Report of my journey of 1889-90, one of the most drunken parts of Africa. The people are for ever brewing a strong heady beer out of millet and maize, the well-known "pombe," and Liwonde indulges extravagantly in this drink, to such a degree, in fact, that he is rarely sober after the forenoon. This condition weakens his energy as a ruler, and he allows the Swahilis and Mahommedanized Yaos from Kawinga's town to dominate his country without attempting much resistance.

Beyond Liwonde's land we crossed a depopulated tract of beautiful, park-like country, then skirted the south-eastern shores of Lake Pamalombwe, and arrived within the country of Mkata, one of the Chiefs belonging to the Makandanji party or coalition which has been engaged in interminable wars with Mponda.

On passing the frontier of Mkata's country, which was marked by a belt of woodland, a number of rather impudent men armed with guns (Mkata's soldiers) bounced out of the brushwood and asked us rather imperatively to say where we were going. We told them "to the lake," and passed on through Mkata's villages without stopping till we came to the last town of his country, which is called Likoro,

and is situated near the north-east corner of Lake Pamalombwe. Here we rested for the night, and on the next day, after a quick march of 8 miles, found ourselves rather sooner than we expected on the east bank of the Upper Shiré (about 3 miles from Lake Nyasa) immediately opposite to Mponda's mile-long town.

Our arrival was an unwelcome surprise to Mponda. He had, of course, heard of Tshikusi's mission to Zomba, and as a counter-stroke to this move of the Angoni King in invoking British protection, he had mustered fourteen of Tshikusi's people, all who remained unsold in his possession, the rest having been bargained for to the slavers, and had beheaded them in the market-place of his town three days before our arrival.* Their heads were then stuck up on the posts of the stockade, which was already decorated with perhaps 100 other bleached skulls of other Angoni or prisoners of war. This proceeding was undertaken to show Tshikusi how little Mponda cared for the white man. He then proceeded to muster his forces to meet our attack; he had obtained 400 men from the friendly Angoni Chief Tshifisi, living behind his territory, and he had written for aid to Makanjira. But mobilization of an African Chief's force is a very slow process, especially when the men are called together to fight with Europeans, and our march from Zomba had been so quick and silent that we had caught Mponda only half prepared, and here we were, camped on the opposite bank, only 400 yards from his town, and that 400 yards represented by the whole breadth of the River Shiré. Well might Mponda vacillate and change his policy every hour, consulting continually his Swahili soothsayers, trying to read an oracle in the entrails of sacrificed fowls, or with the Arab magic of "Raml" sand marked at random with dots and cyphers to produce figures from which a horoscope is drawn, decide "Yes or No? Shall I fight the white man or not?" Whilst he weighed the chances of war we were employing our time to the utmost advantage in fortifying our position, and in attempting to negotiate a peace between Mponda and Makandanji, besides approaching Mponda on the subject of reparation to the Angoni and cessation of slave-raiding and trading. In six days our position was admirably defended by a fort designed by Captain Maguire and constructed by the Indian soldiers, the Zanzibaris, and Makuas. This place, to which they were good enough to attach my name, was a circular redoubt with a diameter inside of 90 feet. The centre was occupied by a low circular house used as a provision store and a cooking-place. Round this focus our tents was pitched; and on the side of the fort nearest the river was a magazine dug partly under-

* The blood of these unfortunate creatures still stained the ground when Captain Maguire visited the town the day after we came.

ground and protected by a strong platform of earth heaped over a stout wooden framework. On this platform, which was about 8 feet above the level of the fort, a sentry stationed night and day could look over an immense stretch of perfectly flat plain to the verge of Lake Nyasa. The fort was defended by a rampart of bamboos, inclined outward at a slight angle, and supporting about 3 feet of sand thrown up against it from the outside. Below the sand rampart was a counterscarp or level ledge, and below this again a deep ditch with perpendicular sides and 4 feet broad. Across the ditch there was a glacis of sand.

Meanwhile, Makandanji* assumed a hostile attitude somewhat suddenly. I have since thought this must have arisen from pressure brought to bear on him by Makanjira, who had heard of our approach, and whose guilty conscience at once assumed that our object was to punish him. Makandanji suddenly forbade his people to sell us food, broke off negotiations for peace with Mponda, and asked us to leave the country. He took the further and more imprudent step of imprisoning two of our Swahili police, whom we had sent with messages; or, to be quite exact, he first tied up one man, and then, when we sent another to inquire what this meant, he tied him up also.

Accordingly, determined to stop anything like the formation of a hostile league of Yao Chiefs round us, I decided to punish promptly Makandanji's unfriendly behaviour, and dispatched Captain Maguire with a force of forty-four Sepoys and ten Zanzibaris to effect the release of Njiwa and Mwaraba (the imprisoned men).

He started before dawn, and, by daybreak, he had entered Makandanji's town, having first repulsed the enemy, who opened fire on him before he could attempt negotiations. He succeeded in releasing the prisoners, and then, being once more attacked, he drove the enemy to the hills, and destroyed that part of the town from which they had fired on the troops, returning by noonday to Fort Johnston.

Meanwhile, a curious and thoroughly African proceeding had taken place. Mponda, as soon as he heard that we had started to take action against Makandanji, resolved to deal his old foe a crushing blow; so he gathered together all his canoes and rapidly ferried across the Shiré, above and below Fort Johnston, 2,000 armed men, namely, 1,700 Yaos and 400 Angoni (from his ally Tshifisi). This force met and assembled close to Fort Johnston, and, at first, we thought they had come to attack us at a disadvantage; but they merely waited till their numbers were complete, and then started off for the outlying villages belonging to Mtshiriko and Makandanji.

* This Chief is now known by the name of Tshindamba.

Most of the men of these places had left their homes to fight us, and, therefore, Mponda's people gained an easy victory over them, and carried away the bulk of the women and children. It was a shocking sight to see these poor creatures in droves of twenty and thirty at a time being brought down to the river-side by their captors to be conveyed across to Mponda's town. I counted over seventy crossing the river at Fort Johnston, but, we were told, there were many more, as, indeed, we afterwards discovered.

Mponda came across to our side of the river to congratulate his men. I sent out and remonstrated with him, demanding that these people should be released at once, and allowed to go back to their villages, saying that we fought with men, not with women and children, and that our only quarrel was with Makandanji (Tshindamba). Mponda was in a state of great perturbation. It was evident he had no control over his men, flushed with success, and that, at the same time, he was afraid to offend me. He said, "Give me three days, and I promise you all these people shall be returned. As soon as my men are drunk with pombe, I will take the slaves away and send them back to you to be returned to their villages." I was obliged to assent to this proposal, as I had only a handful of men with me to oppose Mponda's forces, and I hoped a little reflection would impel him to restore his captives.

Shortly after Mponda had left, Captain Maguire returned from Tshindamba's with the released Zanzibaris, and several hostages from Tshindamba, whom, after intrusting with messages to their Chief, advising him to come in and make peace, we released.

The result of this action against Tshindamba was, that he, Zarafi, Mkata, and the rest of the clan, all came into Fort Johnston, after a few days, and signed a Treaty of Peace with us, promising to give up the Slave Trade, and to support the Administration of the Protectorate in its efforts to maintain peace.

The three days elapsed, and I called on Mponda to fulfil his promise. But the time given for reflection had hardened his heart. Moreover, in this interval, the real source of all these slave-raids and intestine wars had made itself manifest. A large caravan from Kilwa Kivinje had recently arrived in South Nyasaland, and had first of all "put up" with Makanjira. Then it passed along the south-east coast and stayed for some days at Saidi Mwazungu's (Saidi Mwazungu was a half-caste Swahili Arab, Makanjira's chief adviser). Saidi Mwazungu had ferried them over to Mponda's coast in one of Makanjira's dhows, and had been caught in the act by the Universities' Mission steamer, the *Charles Janson*, which brought us the news. Captain Maguire, with thirty Sepoys, had travelled in the *Charles Janson* to the place where the caravan had landed, but was not in time to intercept it, though he found

several slaves in the stocks ready for sale, and released them and brought them to Fort Johnston. Meantime, it was becoming apparent that our presence here was highly inopportune to all parties. Each Chief was desirous of selling all the people he could lay hands on to the Kilwa traders in return for cotton goods and gunpowder. Tshindamba, no doubt, regretted that he had ever called on us to mediate between him and Mponda, and he actually, as above stated, turned hostile to us in his impatience to get rid of our unwelcome presence. These Kilwa slave-traders were impudent rascals, who went about the streets of Mponda's town advising his people to fight us sooner than surrender their newly-captured slaves.

At the conclusion of the interval conceded to Mponda for the restitution of his captives, seeing no intention on his part of giving in, and further learning that he had ordered his people to sell us no food, so that hunger might eventually oblige us to leave, I delivered an ultimatum stating that if some slaves, at any rate, were not given up by 9 o'clock in the evening of the third day I should attack his town. In order to facilitate the return of the slaves in numbers and with celerity, I dispatched a large steel barge of the African Lakes Company to Mponda's town at the decisive hour, 9 o'clock, to fetch over a consignment of the slaves. The boat, however, was not allowed to land. Mponda's people shouted out that they were ready to fight, and that Mponda had gone away to the mountains with his women and ivory. We waited still another hour, and as no better answer came, but isolated shots began to be fired at the fort, I gave the order to bombard the town. Accordingly, Captain Maguire wheeled the 7-pr. gun into position, and fired two incendiary shells into where most of the enemy seemed collected. This set several houses on fire, and greatly surprised the people. They shouted out that they wanted peace. We replied, saying that we would stop further action if they would send over their Headmen to treat with us, and to bring some of the slaves with them as a sign of their willingness to give in to our terms. We waited for another hour, but no one came; and it seemed that during this interval they had taken advantage of the armistice to evacuate the town and carry off their valuables. We fired shells, mostly incendiary, into various parts of the town, and set portions of it on fire. There was no response on the part of the enemy till the early morning, when, apparently, the warriors returned in force and commenced firing at us across the river. We therefore landed in two parties with fifty Sepoys and nine Zanzibaris, drove the enemy out of the town after two or three sharp tussles, and then burnt the whole town and destroyed the stockades as far as possible, so as to render it untenable.

Later on, on the afternoon of the second day of the war against Mponda, we visited his northern villages in two boats to try and detach their inhabitants from Mponda's policy, but we were only fired on for our pains, our chief opponents being the group of coastmen (Mdoka and his people) who have settled as Slave Trade agents in Mponda's country. The next day (20th October) Captain Maguire led our expedition against this northern part of Mponda's country and routed these coastmen and captured a large quantity of rice, which opportunely relieved our dread of famine; he also made eight prisoners.

On the 22nd October Mponda made overtures for peace. He came to an open space near his town, under the guns of the fort, and met Captain Maguire, who communicated to him my terms. He accepted them, and forthwith handed over the bulk of the captives whom he had snatched from Tshindamba's villages, and who had been the immediate cause of the war. These we returned to their homes, an action which created a very favourable impression on Tshindamba's people, who, formerly so hostile, were now fast becoming our friends. Mponda also released sixty-three Angoni slaves whom he had intended to sell to the Kilwa traders. He informed Maguire that the remainder of his slaves had been sold to the Kilwa men, and that this caravan was hidden at a place called Maüni, in the hills, near the south-western gulf of Lake Nyasa. On the following day, however, Mponda found he had forty more slaves, whom he released, and sent over to Fort Johnston.

On the 24th October, Maguire having obtained a guide to Maüni, went there with fifty Sepoys and ten Zanzibaris. I give what happened in his own words:—

"We went first along the river [Shiré] to Matapwiri's village, where Mponda was, and told him we intended no hostilities against his people. We then went to the hills, which we reached at daybreak. The hill refuge is very extensive and inaccessible, the only approach to it being a narrow winding path passing through granite boulders, some of them weighing many tons. At the very end of the road in a hollow amid the hills are two villages, in the last of which the slave-traders had their quarters. Though none of Mponda's people, who were present in hundreds, had shown any active hostility against us, they gave the alarm to the slave-traders, who retired down an almost precipitous road leading towards Lake Nyasa. They were pursued by the Zanzibaris, supported by the Sepoys.

"In all, seven were captured, and 165 slaves were found in Maüni. I put slave-sticks taken off women among the slaves on to the slave-traders necks, and marched back to Fort Johnston, arriving there at 3 P.M."

The slaves rescued from the caravan and released by Mponda amounted in all to 268, which, with 2 slaves freed by Captain Maguire at Matapwiri's on the 14th October, made a total of 270. The majority of these people were escorted back to their homes by detachments of the Zanzibari Police, or by Captain Maguire and the Sepoys. Twenty-two of them, however, who had come from a great distance—the Loangwa Valley, about 300 miles to the west—have for the present remained at Fort Johnston until a chance offers of their accompanying some European traveller going in that direction.

On the 25th October Mponda came over to Fort Johnston and signed a Treaty abolishing the Slave Trade in his dominions. On this occasion he released fourteen more prisoners belonging to Tshindamba. He also paid an indemnity of ten tusks of ivory towards the expenses of the war.

Our relations with him and his people now rapidly improved. They commenced rebuilding their town, and brought quantities of food over to us for sale. Mponda himself, strange to say, affected to be not displeased at our bombardment of his town. He said to Maguire: "Now my people's ears are opened. Before they would not listen to me. In vain I told them 'the white man does not like the selling of slaves.' They would not listen. Now they know it is no use to resist the white man."

The fact was, that before our coming Mponda's position was rather uncertain. He had but little control over his people, and his own tenure of power was menaced by rival and more legitimate claimants to the throne, besides the threatened attacks of the Angoni and the Makandani clan. Our fort, therefore, and our alliance gave him a more secure position in the country. He has certainly ever since been remarkably friendly and helpful.

On the 27th October a message came from Makanjira to Mponda, telling him, in coarser language than I need employ, that he was without manhood in allowing himself to be beaten by the English; that he (Makanjira) would show him what war was shortly, as he would descend on him with his five dhows unless Mponda renewed the war with the English.

Unfortunately, the seven Kilwa slave-traders* whom Captain Maguire had captured had managed to break away from their guard one day when at the hard labour to which they were set, and, after eluding his shots, had escaped into the thick bush, and thence found their way to Makanjira's. It was partly my fault, because after the first few days I thought it cruel to keep them in the heavy

* Their names are: Ali-bin-Tshamba, Salimini, Bwana Omari, Amiri, Majihiva, Mwinyi Tshande, Salimani, and their place of residence on the coast is Kilwa Kivinje.

slave-yoke, and allowed them to be more lightly fettered. They contrived during their work to fray the rope which bound them, and so made a desperate run for liberty. We afterwards learnt they had taken refuge with Makanjira.

Having settled matters sufficiently, therefore, at Fort Johnston, I determined to deal with Makanjira without further delay, as it was his repeated slave-raids along the south-west shore of the lake which had more than anything else brought me up to Nyasa.

On the 28th October Captain Maguire and myself, forty-eight Sepoys, ten Zanzibaris, and ten Makua left Fort Johnston in the Lakes Company's steam-ship *Domira*, towing a barge, to proceed to Makanjira's main town, which we reached at 4 P.M. on the 29th. Here negotiations were out of the question, for the steamer was fired on with cannon and muskets as soon as she approached the shore. I will leave the description of what then occurred to Captain Maguire, who, in his Report to me, writes as follows:—

“October 29.—Arrived off Makanjira's town at 4:30 P.M. This town has a population of over 6,000. It extends for over a mile along the shore of the bay facing north-west. A sandy bank of from 70 to 100 yards extends between the town and the lake, except on the east, where the shore is covered with reeds. The town contains the largest and best houses we have met with in this part of Africa. This is owing to the large number of slave-traders and foreigners connected with the Trade settled there, as Makanjira's dhows give him the monopoly of the transport of slaves across the southern end of Lake Nyasa.

“On the arrival of the steamer large crowds of armed natives congregated on the shore and commenced dancing war dances and firing at the *Domira*. I had great difficulty in effecting good practice with the 7-pr. from the ship. We were a good way out, and the steamer turned towards the coast very slowly, and then swung round very quickly; however, I succeeded in putting a few common shells into the town, and then set it on fire with incendiary shells in four different places. Mr. Johnston, with twenty rank and file and nine Zanzibaris and five Makua, went in the barge to effect a landing on the west side of the town, while I continued bombarding the east. When it became too dark to serve the gun, I followed Mr. Johnston in the *Domira's* boat with six men. I found that the men had succeeded in burning part of the town under a heavy fire, but that they had been obliged to withdraw to the barge. The Sepoys told me that they had seen two guns in the town, so I ordered them to disembark again. At this time we were fired on from all directions; a Makua in the barge near Mr. Johnston was severely wounded in the neck. As soon as we landed I divided my force into three, sending one

detachment to cover each flank, and directing the centre to march straight for the guns. At first I accompanied the left flank detachment, as the enemy appeared to be in the greatest force opposite it, but subsequently I went to the centre party. We took the guns from under a sort of flag-staff in the town, on which, however, there was no flag. When returning from the town we found a new slave-dhow on the stocks ready to launch. I had not sufficient force to launch her, so I had combustibles collected, and set her on fire. I then sent the men who had accompanied Mr. Johnston back to the barge, and began looking for the boat that had brought me, when I chanced to look at the dhow, and saw that it was no longer burning. I took the men who had remained with me, and returned to set it on fire again. This we succeeded in doing, though the enemy attacked us. While doing so one of them was shot within 14 yards of the dhow. When the dhow was thoroughly alight I withdrew my men, and went on board the barge, as the boat had been sent back to the ship with the wounded Makua.

“This closed the operations for the night.

“*October 30.*—In the morning it was apparent that but little real damage had been done to the town on the previous day, so I determined to continue bombarding the town while the Zanzibaris, protected by a party of Sepoys, landed and continued burning the town. I told Naik Badawa Singh, who commanded the party (two Naiks and sixteen privates), not to land if the enemy were present in force. The party was allowed to land, and the Zanzibaris had commenced firing some of the houses on the outskirts of the town, when an attack was made on the left front of the force by the enemy, supported by a gun. The Zanzibaris retired to the barge; the soldiers were obliged to retire in a north-west direction towards a sand-bank which runs into the lake south and west of the town. As soon as I saw the unfavourable turn things had taken, I embarked in the steamer's boat with five men and some ammunition; under the circumstances, the only reinforcements at our disposal. When I came alongside the barge (which had been moved to the rear of the Sepoys), I found that Badawa Singh had just been brought there severely wounded. I did not stop at the barge, as it seemed a very nice question whether I should reach the shore in time to preserve the small force there from being routed. On nearing the shore I found that my men were drawn up behind a sand-bank on the very edge of the lake, while the enemy, emboldened by success, was pressing onward in great force. I landed, issued ammunition to the men, and, as I found them too close together, I made them extend to the right. I then proceeded to the front to see whether the direction of my line was right. There were two large sand-pits immediately in front

of me full of Yaos;* behind these was a large brake of reeds, also full of the enemy, who kept up a constant fire, in which the report of several rifles could be distinguished. As soon as I saw that my direction was right, I ordered my men to advance. They advanced, firing a volley, and rushed forward with a cheer. The Yaos in the sand-pits broke and fled in disorder, throwing those in rear of them in the reeds into confusion. They retired along the lake shore, exposing a flank to fire from the *Domira*, which was run close into shore for the purpose. We were fired on from the first houses we came to in the town; when we had cleared them out we were no longer molested by the enemy. We then proceeded due south, burning every house for a little over a mile, till we came to a river which forms the southern boundary of the town. Near it was a second dhow, which we burned. We were here reinforced by the rest of the men, who had waded ashore from the *Domira*. I then returned to the starting point, when I met Mr. Johnston and the Zanzibaris, who had destroyed many of the houses in the centre of the town. I told off a non-commissioned officer and nine men to assist the Zanzibaris in lighting the town, and formed my men in a line to advance from west to east, covering the demolition. A strong north wind was blowing, which favoured incendiary operations. The heat of the burning town became so intense that we had to leave it and take refuge in the reeds covering its eastern front. There we found a secluded creek, in which was a large dhow, which we stuffed with combustibles and burnt.

"Makanjira's town was completely destroyed, two guns were taken, and three slave-dhows were burnt.

"Our losses were one Naik ('corporal') (Badawa Singh, 23rd Pioneers), one private (Hakim Singh, 32nd Pioneers), and one follower, all three severely wounded."†

When engaged in destroying the town I came upon Makanjira's house, a large building containing four apartments. Before setting fire to it I took away six cases containing letters. They were mostly in Arabic and Swahili, and had reference to the Slave Trade. As soon as I have a little leisure I will get the more interesting of them translated and sent to your Lordship. Meanwhile, I forward a document found in Makanjira's house. It is a letter of the late Sultan of Zanzibar (with a translation), written in July 1887. By this it will be seen how, even at that date, the Ruler of Zanzibar was loyally supporting us in an anti-Slave Trade policy in the interior.

On the 31st October we crossed over to Rifu, on the south-west coast of Nyasa, to deal with Kazembe, who, although a friend to the

* Wa-yao; i.e., Makanjira's men.

† All have since recovered.—H. H. J. 20th December.

English, is a cousin of Makanjira's, and has aided him in most of his recent raids, especially a singularly cruel one on Mpemba and Ndindi.* Captain Maguire and myself went to Kazembe's town and invited him to a conference. He came, and, after a long palaver, admitted he had broken his Treaty of 1889 in following Makanjira in his raids, signed a fresh Treaty abolishing the Slave Trade, and agreed to pay a fine of ten tusks of ivory (of which six were paid before we left), part of which was to be sent to Mpemba to compensate him for his losses. We then showed him how he could help us by stopping and detaining the large slave-caravans arriving on the south-west coast of Lake Nyasa. Kazembe seemed thoroughly willing to carry out our policy, but pleaded that in that case we should defend him against Makanjira's vengeance; that Makanjira had still two dhows left which ought to be destroyed by us if we wished to completely cripple his power. One of these dhows, he informed us, we should find at Saidi Mwazungu's town on the opposite coast, whither also had fled the seven slave-traders who had escaped from Fort Johnston.

Accordingly, we decided at once to start for Saidi Mwazungu's. We arrived off this place on the morning of the 2nd November. No dhow was there; it had evidently made off on seeing the steamer's smoke to some more secure refuge. What happened at Saidi Mwazungu's I give in an excerpt from Captain Maguire's Report:—

"*November 2.*—We heard that one of Makanjira's dhows was at Saidi Mwazungu's, a village nearly opposite Monkey Bay, so we visited it this morning. The water near the shore is so shallow that the barge had to stop some 400 yards from the village. There were no traces of the dhow. My interpreter went before me to ascertain the attitude of the villagers. He sent me word that the people were desirous to treat, so that I had better land, but only bring five or six soldiers with me in order not to alarm them. I took four Sepoys and a non-commissioned officer from the twenty on board the barge, and went ashore. I left my men on the beach and went by myself to the verandah of a large house some 20 yards off, where a crowd of natives had collected round my interpreter. When I arrived the crowd dispersed. There remained to converse with me a Zanzibari and an old Arab, who told me he came from Hodeidah, near Aden, and was employed as a dhow-maker by Makanjira. I thought it suspicious that all the other people had gone away when I came on the scene, as the custom in this part of Africa is for such negotiations to take place in public, so I sent my interpreter to call the rest of the people. A few seconds afterwards I heard three shots

* South-west shore of Lake Nyasa.

fired. I sprang from the verandah, when my interpreter ran past me, and two shots were fired at me by the party who had fired at the interpreter. Almost immediately afterwards a bullet whizzed past my head fired by the Arab dhow-maker. I fired two shots at him with my revolver as he retreated, but missed him. I then rejoined my men on the beach. The enemy were here so numerous and well placed that we had to hold our ground until the remainder of our party arrived from the boat. We then advanced, driving the enemy before us to the other side of the village, which we destroyed. We then returned to the shore, and saw that there was another village about a mile north of the one destroyed, which was also composed for the most part of large foreign-built houses. We advanced along the shore against it. Two volleys were fired at us from a large brake of reeds that lay in front of our advance. We fired a couple of volleys into it, and advanced through it. It was so dense that we had to traverse it on our hands and knees. When we emerged at the other side we found that the enemy, who were in considerable force, had retired to a safe distance. The second village was then destroyed.

"We had one casualty during the day: Private Prem Singh, 23rd Pioneers, who was severely wounded.

"We returned to Fort Johnston the same evening."

After remaining for seven days at Fort Johnston settling the affairs of Mponda's kingdom and arranging for leaving a garrison of twenty Sepoys, ten Zanzibaris, and fifty Makua in Fort Johnston, with an Indian Sergeant-Major in command, and my Swahili Headman, Kiongwe, intrusted with the construction of temporary barracks, we left for Zomba, following the course of the River Shiré. On our way we were enabled to come to very satisfactory arrangements about the suppression of the Slave Trade with the Chiefs Liwonde, Tshingwalu-ngwalu, and Msamara.

We reached Zomba on the 16th November, our wounded arriving three days afterwards.

Three days after our return I found that Kawinga, a powerful Chief dwelling on the north-west shore of Lake Shirwa, had been very active of late in the Slave Trade. Indeed, we had intercepted and freed a small convoy of slaves (eleven in number) at Mkata's, near Pamalombwe, on their way to Kawinga's, from the west bank of the Shiré, under charge of three of his men, who ran away at our approach; and besides this fact there were numerous complaints of his slave-raiding among the A-Nyanja peoples dwelling on islands in Lake Shirwa. It was also reported that he was gathering together a slave-caravan for the coast. In the preceding spring Kawinga was stated to have dispatched as many as 1,000 slaves to the sea-board. This number is probably an over-estimate, but it is certain that

Kawinga has been one of the biggest slave-traders in Nyasaland. We had reason to believe that Kawinga would come to terms with us, as he had not long since concluded a Treaty which placed his territories under British protection. I therefore dispatched Mr. John Buchanan, C.M.G.,* with whom Kawinga had made the Treaty, to remonstrate with him on the subject of the Slave Trade, and to induce him to abandon it and sign an Agreement to do so. Mr. Buchanan was escorted by Captain Maguire and thirty Sepoys.

What occurred is so correctly and succinctly related by Dr. Henry Scott, M.B., of the Church of Scotland Mission at Domasi, that I cannot do better than give the account in his own words. [Dr. Scott was good enough to place his medical services on this occasion at the disposal of the Administration, our own surgeon, Dr. Boyce, being detained at Zomba with the men who had been wounded at Makanjira's.]

Extract from "Life and Work," the Blantyre Mission Supplement for December 1891:—

"An expedition under Captain Maguire set off lately to secure Kawinga's promise to renounce slavery. Camping several hours from that Chief's village they entered into negotiations with him, which resulted in his agreeing to speak with them the following day. In the afternoon, a Headman of Kawinga's, Tshe Mposa by name, came forward in a most friendly spirit and assured them that although Kawinga had failed to appear that day he certainly would present himself next morning. Again Kawinga was false to his promise. Captain Maguire, after delaying all the morning, advanced towards Kawinga's village. At this point a most unfortunate event took place. A large number of Tshe Mposa's men came along the hill side and threatened to interfere with Captain Maguire's advance. A long appeal made to them by Mr. Buchanan at considerable risk to his own safety was not enough to prevent the use of fire-arms; and once begun, firing did not cease till many were at least wounded. From the path where fighting began Captain Maguire's soldiers turned aside, rushed the hill in front of Tshe Mposa's, entered and burned down the village. This was done with but a handful of men, only some thirty Sikhs taking part in it, but of these thirty there were no fewer than six wounded. On their return Tshe Mbera's village was destroyed. This Headman had long oppressed his neighbours by his slave-trading customs. Just two days before Captain Maguire had liberated two of his slaves, very cruelly tied in slave-sticks. Dr. Henry E. Scott, who had been called to attend the wounded, arrived there just before dark. The most serious case was that of an Indian, who had lost much blood from a wounded wrist.

* Ex-Acting Consul for Nyasa. Collector of Customs for the Zomba district.

After chloroform it was found the bullet had pierced the right wrist, splintered the end of one of the bones, and torn through the main artery. A troublesome hæmorrhage in a dusky light is a true source of anxiety, but ultimately the bleeding was controlled by ligatures. Two other men were wounded through the thigh, one in the knee, and one in the abdomen. Only after all the soldiers were dressed would Captain Maguire allow the doctor to examine his own wound. A bullet of slag had pierced him over the breast bone, and thence had glided off to the left, following for a short distance the course of a rib. By means of a bullet forceps it was got hold of and extracted. In the morning the whole body of men returned to Mlungusi.”*

A severe punishment having been inflicted on Kawinga by the destruction of his villages, it was thought advisable to leave him a little time for reflection before renewing the war, especially as Captain Maguire’s force had been selected rather as an escort than as a military expedition. Accordingly, Captain Maguire returned to Zomba, and, as had been foreseen, he was soon followed by messengers from Kawinga and Mposa asking for peace.

Peace was made on the condition of the abolition of the Slave Trade and the payment of a fine of five tusks of ivory and two oxen, which payment was promptly made by Kawinga. Hoping afterwards to show that we did not come here solely to punish evil-doers, but to help them to a better way of making a livelihood than by enslaving and selling one another, I distributed among Kawinga’s Envoys a quantity of wheat, oats, and barley, and twelve different kinds of vegetable seeds, inviting them at the same time to go in industriously for agriculture.

I have made the same gifts to Mponda, Liwonde, and all the Chiefs on the Upper Shiré who have made friends with us.

The result of the past four months’† action against the slave-traders of South Nyasaland has been to arrest decisively—I hope beyond recovery—the Slave Traffic in South Nyasaland. It will soon become patent to the unscrupulous rascals of the East African littoral, from Kilwa to Quilimaue, that slave-trading in the Shiré Province is a dangerous and unprofitable pursuit, and that being so, they will either transfer their energies to other spheres of action, whence they will again be ejected, or give up the Slave Trade once and for all, and settle down to less nefarious pursuits. We have also brought all the powerful Yao Chiefs to accept British domination, except the irreconcilable Makanjira, who will probably remain an implacable, but, I hope, impotent, foe for the remainder of his days; but appearances tend to show that there will be important

* Zomba.

† 16th July to 24th November.

defections from his rule, and it is not unlikely that, in time, his own people may eject him from power when they find friendship with the English more profitable than enmity.

These satisfactory measures taken against the Slave Trade were, as will be patent to any one reading this Report, mainly dependent for success on the courage, energy, and untiring activity of Captain Cecil Maguire and of his gallant little force of Sepoys.

I would venture to hope that the approval of Her Majesty's Government may be conveyed in some way to Captain Maguire, of whose valuable co-operation I cannot speak too highly or gratefully.* I also cordially indorse the terms of praise which Captain Maguire, in his official report to me† of the proceedings herein related, bestows on the Indian contingent of the British Central African Police.

He specially selects for honourable mention the names of the following men:—

Lance Naik Badawa Singh (23rd Punjaub Pioneers).

Sowar Kifayat Khan (1st Haiderabad Contingent Lancers).

Sowar Salamat Ali Khan (1st H. C. Lancers).

Private Thola Singh (23rd Punjaub Pioneers).

Private Bachan Singh (23rd Pioneers).

Sowar Warir Khan (2nd H. C. Lancers).

Sowar Mir Murad Ali (1st H. C. Lancers).

Private Hakim Singh (32nd Punjaub Pioneers).

Sowar Kale Khan (2nd H. C. Lancers).

Private Lall Singh (23rd Pioneers).

Private Tabha Singh (23rd Pioneers).

Private Iagd Singh (32nd Pioneers).

Private Prem Singh (23rd Pioneers).

All these men have been wounded at different times, though I am glad to say they have most of them recovered from their wounds, and, with one exception, are not permanently disabled. That exception is Lall Singh, who has lost his right arm as the result of the wound inflicted in the attack on Kawinga's position.

I must also, in conclusion, say a word of praise for the section of the Zanzibari Police who accompanied us in these expeditions. They had not, of course, the discipline or military skill of the Sepoys, and their aim as marksmen leaves much to be desired; but they were very useful as scouts and skirmishers. They were willing, obedient, and able to stand much fatigue, and there is, fortunately, an excellent feeling of comradeship sprung up between them and the Sepoys.

The Zanzibaris are also useful (having been recruited by the

* This recommendation, alas! comes too late.—H. H. J. 29th December.

† Forwarded to the Commander-in-chief for India.

direct permission of His Highness the Sultan of Zanzibar) in showing to the Mahommedan Chiefs of Nyasaland how completely at one with us the Sultan is in his desire to suppress the Slave Trade.

H. H. JOHNSTON, *Her Majesty's Commissioner
and Consul-General.*

Zomba, November 24–December 29, 1891.

(*Inclosure 5.*)—*Translation of an Arabic Letter from the Sultan of Zanzibar.*

To the neighbouring Sheikhs, Makanjira and Kaponda and Sharif Majid and Salim-bin-Nasir and the other Arabs residing in Tanganyika. May God keep them safe.

AFTER this I inform you, through this letter of mine, that my friend Ali-bin-Surūr is going that side. I have sent him from my side to let you know the news which has reached me from my friend the Consul-General of the Queen for Zanzibar. I let you know that Englishmen are my friends and nearest of all men to me; their friendship for me, for my subjects, is more than I can describe. They are since long long years in Zanzibar, and since time past they have treated me with extreme kindness and good-will. They have always done things in my favour. Many of the respectable and honest men among my friends have lately arrived here, who brought me the most annoying news that amongst my subjects who are there, Mlozi, Kopakopa, and Salema are doing harm to Englishmen, and treating them, in Nyasa, such as they ought not to be treated. I ask you how such things happened to them from my subjects? I wish you to learn they are the nearest men to me in friendship and affection. I am astonished to see how you heard these things and did not forbid. You know that Englishmen are both my and their friends. I am sending Ali, who will explain to you and to them that you are to respect and look upon Englishmen as you respect me and look upon me. Whatever of their property has been lost, immediately try to find out and return to them, and always remain with them in peace, and be careful not to create any difficulty with them for the second time. This news has also come to me, that all my subjects in Nyasa and Tanganyika are helping the Slave Trade and capturing them (slaves) for that purpose. This Trade is abolished and forbidden, so if you continue to do this you will be supposed to be against the Treaty formed between me and the friendly English Government. If you are obedient to me, do help Englishmen in everything, and if you will do against this

you will receive from me something which will harm you. If any of them will go out displeased from your territories I will not be pleased with you. I hope you will, acting upon my advice, be careful not to do anything like this in future. If you will listen to my advice and attend to my letter I shall be thankful to you.

May the peace of God rest upon you.

Written by order.

'ABDUL 'AZIZ-BIN-MOHAMMAD MADDA.

Dated 1st Dh'il Hajja, 1305 (July 1887).

I declare that the foregoing is a true translation into English of the letter of Saïd Khalifa's, which is attached thereto.

ABDUL HALIM 'ASIM, *Oriental Clerk to Her Majesty's
Commissioner, British Central Africa.*

No. 2.—*Commissioner Johnston to the Marquess of Salisbury.*—
(Received April 6, 1892.)

(Extract.)

Blantyre, December 26, 27, 1891.

I TELEGRAPHED to your Lordship two days ago the sad news of the death of Captain Cecil Maguire, commanding the Indian contingent of the British Central African Police Force. This event, which has caused a profound sorrow throughout the Shiré Province, occurred as follows:—

After returning from the expedition against Kawinga, Captain Maguire was disposing himself to rest a few weeks at Zomba and cure the slight flesh-wound which he had sustained in the engagement with Kawinga's men, when news arrived from the lake of a meditated attack on Fort Johnston by Makanjira.

Desiring to reinforce the garrison there and complete the defensive works, also to renew the supplies of ammunition, Captain Maguire insisted on starting at once and settling this business before Christmas. I let him go, urging on him, however, the greatest prudence and the avoidance of any further military operations till next year, when we expected reinforcements from India and the arrival of a second Indian officer. He promised me he would be careful of himself.

Everything went well with him up to the unlooked-for disaster. Chiefs from all directions came in with their adhesions to our Protectorate and anti-Slave Trade policy. One of these Chiefs, however, was the means, I trust unintentionally, of sending Maguire to his death. This man, Kazembe, the Sultan of Rifu, on the south-west shores of Lake Nyasa, wrote a letter informing us that he had stopped a huge slave-caravan of Saidi Mwazungu's, one of Makanjira's

leading men (a Swahili half-caste from Kilwa), and would hand it over to Maguire; but that, in return for this, Maguire must destroy two of Makanjira's dhows which were making ready to descend on Kazembe's coast to punish him for acting in concert with the English. Maguire, tempted by the double prospect of setting free 200 or 300 slaves, and of striking a final blow at Makanjira by destroying his last two dhows, and thus effectually stopping his slave-raids across the lake, resolved to carry off the matter by a rapid journey in the *Domira* to Kazembe's town. He took with him thirty Sepoys, the Parsee surgeon to the Indian contingent (Dr. Boyce), and six Zanzibaris.

Arrived at Kazembe's, he ascertained that the slave-caravan was detained there; but he postponed the settlement of this business, because Kazembe advised him first to deal with Makanjira's dhows, and offered a guide to show where the dhows were hidden. Maguire took the guide and crossed the lake to Kisungule, on the south-east coast, about 10 miles north of Makanjira's main town, which we had destroyed at the end of last October. Here the two dhows were visible, but the approach to the shore was most difficult, being a mazy channel between rocks and sand-banks. The wind, too, had sprung up, and with it the waves became alarmingly big; nevertheless, unwilling to leave the dhows and return unsuccessful to Kazembe, he decided to attempt their seizure, though the officers of the steamer and the doctor begged him not to run the risk of the boat being swamped.

Accordingly, he attempted to land with his Sepoys and Zanzibaris in a barge called the *Eland*, which the steamer was towing; but owing to the intervening shoals he left this barge in shallow water, stuck on a bank, and waded for some distance up to the dhows, which were drawn up into shallow water. He was hotly attacked by Makanjira's men, who seemed to be there in ambush prepared for his coming, and with stores of ammunition all ready. Nevertheless, Maguire burnt one dhow to the water's edge, and inflicted such damage to the other as to render her unfit for further use. Then, seeing that a large force of Makanjira's men* were streaming down on to the beach, he called off his men and waded out to where he had left the barge. But meantime this barge had been lifted off the sand-bank by the increasing storm and the heavy surf, and had been dashed literally in pieces on the rocks. Maguire then (and all this time under a perfect hail of bullets) signalled to the steamer to let down the small dingy. This they did, and although it was repeatedly swamped, it succeeded in conveying on board all the Sepoys, except three who had been killed. Maguire having seen all

* The officers on the steamer and the Zanzibaris say "about 2,000 or 3,000."

his surviving men safe on board, waded out to the steamer till he got into deep water and within 10 yards of the ship. Then, just as he raised himself by a supreme effort to grasp a rope thrown to him by MacEwan, the chief engineer of the steamer, a bullet struck him in the back of the head, or at the back of the neck, and he sank into the water, dead. In striving, however, to find some means of getting out his body, the chief engineer, MacEwan, and eight Sepoys were more or less severely wounded, and compelled to desist in their efforts, the more so as the steamer now demanded all their attention; for, as if Nature herself were fighting on behalf of the slave-traders, the storm had now increased to such a violent gale that the *Domira* was torn from her moorings and driven on a sand-bank close to the shore. At this juncture, too, the rope thrown out to Captain Maguire had got entangled round the propeller, and the engines would not work. No sooner was the vessel ashore in shallow water than a furious fusilade was directed on her by the enemy at very short range. With heroic efforts the Indians, directed by Mr. Urquhart, managed to rig up a screen of boxes and loads of cloth round the landward side of the ship, which sheltered them to some extent; and though night-fall brought no truce to their terrible sufferings, they were somewhat sheltered by the darkness, and could better the steamer's position. The next morning the fusilade was renewed with greater fury, and such of the enemy as were not armed with Winchester rifles proceeded to use the steel bolts of the shattered barge as charges for their guns.

Mr. Keiller, the captain of the *Domira*, had been severely wounded in the head on the first day, and Mr. MacEwan (the chief engineer) in the side; Mr. Urquhart was wounded in the face and mouth the second day.

The steamer lay in this hideous predicament for six days, from the 15th December, the day of Captain Maguire's death, till Sunday the 20th. On the evening of the 16th the enemy proposed a truce and when this was accepted, they immediately fired on the men who were striving to get the steamer off. On the morning of the 18th, however, their proposals for a truce were again renewed, and they sent off two men to treat. For sixty pieces of calico they agreed to send sixty men to work at getting the steamer off, but they insisted on two of the white men going first on shore to draw up some document to conclude peace.

This proposal was demurred to, but Dr. Boyce, the Parsee surgeon, was confident that no harm was meant, and volunteered to be one of the two messengers; MacEwan, the engineer, being selected as the other.

There was an additional reason which impelled what otherwise seems to us—calmly criticising it at a distance—an act of the

greatest imprudence, this trusting themselves unarmed, and with only six unarmed followers, in the hands of these pitiless slave-traders.

But after the day of the storm, the waves had washed up Captain Maguire's body on to the beach (where it lay for five days exposed to the view of the unhappy people on the steamer) together with the bodies of three Sepoys.

Dr. Boyce had for Captain Maguire the strong personal regard and affection with which he inspired all of us who knew him. He yearned to give a becoming burial to his remains, and the wily wretches, Makanjira's Envoys, when he told them of his desire, lured him to his death by a promise that he should carry away Maguire's body. It was his one besetting thought during several days. He kept saying to the Swahilis and the Indians, "We must get the Captain's body."

Dr. Boyce, under the mild and timid manners of a Parsee, hid a brave soul. I had found this out on the previous campaign in which I had taken part, and on my return to Zomba I had asked him to accept a special honorarium from the Administration in acknowledgment of the courage he had displayed. I do not think he really counted the cost of recovering Maguire's body. He cared for him too deeply to calculate the risk he was running.

MacEwan and Boyce accordingly went on shore with three Swahili men and three steamer boys (natives of Nyasa); they passed out of sight of the steamer, and were led into a house. Here they were kept waiting for about an hour with negotiations. Then messengers were sent to Makanjira to ask for his answer. His answer was: "The white men and all their people are to be killed." Forthwith several men stepped forward and shot MacEwan in three places. Dr. Boyce, the Swahilis, and two steamer boys were all speared to death; one only survived, a steamer boy named Kutsapa, who, though speared in two places while attempting to save MacEwan by pushing aside the guns aimed at him, managed to escape and hide in some thick reeds, where he lay concealed till a chance was afforded of his wading out to the steamer. He brought the information of the massacre, and further information was obtained from Kifayat Khan, Captain Maguire's orderly, who had gone on shore with them to look for his master's body, and who fortunately managed to return to the steamer, being on the beach when the massacre took place in the house; then the two wounded Europeans and the Indians and Swahilis knew that there was no hope for them but their own exertions. During the nights of the 18th, 19th, and part of the 20th they toiled unceasingly at working the steamer off by digging under her keel and laying out anchors. On the night of the 20th the steamer floated off the bank into deep

water; they then very quickly got up steam, and at the same time prepared an incendiary shell for the 7-pounder gun, which Captain Maguire had placed on board. Just before leaving, the Indian gunners carefully took aim at a large village where Makanjira's men were holding an uproarious rejoicing, thinking that the steamer was their sure prey, and that it was only a question of days before her occupants were killed by famine* or starved into surrender. These hopes of theirs were noisily shouted out to the people on the steamer, and their fiendish rejoicings were at their height when suddenly an incendiary shell was cleverly landed in their midst, setting fire to the town, and scattering the enemy in confusion; after which the *Domira* steamed away to Livingstonia, where she arrived on the morning of the 22nd.

Of the conduct of the Sepoys, who, I might remind your Lordship, are men chosen from the 32nd and 23rd Sikh Pioneers, and from the Haiderabad Lancers, both Mr. Keiller and Mr. Urquhart speak in the highest terms. They were brave, patient, uncomplaining, and, through all those horrors, undaunted; they laboured in the water to get the steamer off; the wounded dressed each other's wounds; they ate any food that was given to them, or none at all with equal cheerfulness; and throughout they bade the white men not despair. They said that if the worst came to the worst they would form a ring round the two remaining Englishmen, and die before they did. I really believe it was only their splendid behaviour which kept Messrs. Keiller and Urquhart from going out of their senses with agony of mind, fatigue, and wounds. Since their return to Fort Johnston (which the *Domira* reached on the 22nd), they have sent me a message not to be too much cast down, that they will keep all safe at Fort Johnston until I come, and are ready for any further action."†

This account has been drawn up by me from statements made to me verbally and in writing by Mr. Wm. Keiller, captain of the *Domira*, A. Urquhart, second engineer of the *Domira*, and Pita and Saburi,‡ two Zanzibari soldiers who formed part of the expedition, and who landed with Captain Maguire.

I received the first account of the disaster from the two Swahilis who arrived at Zomba on mid-day of the 24th December. My first action was to telegraph to your Lordship, to the Commander-in-chief in India (for some one to replace Maguire), and to the British South Africa Company. I then dispatched one of my two Indian clerks,

* This was one of the most cruel features in their position; they had only about two days' food supply on board when the steamer got off.

† This message was brought me by two Swahili soldiers, who carried the bad news to Zomba.

‡ The written statements of these can be forwarded if required.

a very experienced man, named Abdul Halim, to Fort Johnston, with a small reinforcement of men and stores. The next morning, Christmas Day, I started for Blantyre, and reached it after twelve hours' travelling on foot and with a machilla (hammock). I was met on the way by Mr. Monteith Fotheringham, the manager of the African Lakes Company, and with this gentleman, on arrival at Blantyre, I arranged rapidly the sending of men to relieve Messrs. Keiller and Urquhart on the *Domira*, that steamer having been left at Fort Johnson to the care of Mr. Bainbridge, the store-keeper.

I am returning to Zomba to-morrow (the 28th) to collect supplies, and I then go to Fort Johnston to take over the charge of the Indian garrison until an officer comes out from India.

As will be shown in the Report accompanying my despatch of the 24th November, we have for the present crippled the Slave Trade in South Nyasaland; driven the slave-trading Yao Chief, Tshikumbu, from the Milanji district; we have destroyed two of Makanjira's strongholds and his five dhows; we have brought Kazembe, Mponda, Makandangi, Zarafi, Mkata, Tshikusi, Kawinga, and many other Chiefs, to terms either by hard fighting or by persuasion; we have released nearly 300 slaves, and have broken up two large slave-caravans. Our position on the south end of Lake Nyasa, moreover, has been ably strengthened by Captain Maguire, who, in last October, built the fort with which he did me the honour to connect my name, and which, when sufficiently defended, is impregnable to an enemy not possessed of artillery. We have carried out these operations in three campaigns: the first conducted by Captain Maguire and myself during October and November against slave-trading Chiefs on the Upper Shiré and along the south coast of Lake Nyasa; the second by Captain Maguire and Mr. Buchanan against Kawinga; and the third by Captain Maguire on Lake Nyasa, in the African Lakes Company's steamer the *Domira*.*

We started in July last with a force of seventy-one Indians. One of these died from the severe fatigue consequent on the Tshikumbu expedition, and three have been killed in this lamentable affair at Kisungule (Makanjira's). One man lost his right arm at the attack on Kawinga's town (Mposa's), and is permanently disabled, and three others, though progressing favourably, will be a long time recovering from severe wounds inflicted at the first attack on Makanjira.

This leaves me, then, at the present time, with an effective of only sixty-three men, of whom also ten are on the sick list with slight wounds, though fit for garrison duty. I have therefore

* A little vessel of 70 tons burthen.

telegraphed and written to the Commander-in-chief in India for permission to obtain at least ten more men from the Sikh or Masalman (Punjab) regiments to fill up the gaps in our little force. I shall confine my attention mainly to the maintenance of order and security along the great trade-routes of Central Africa. This is the policy we have all along had in view. Neither Captain Maguire nor myself have gone out of our way to attack the Slave Trade. We have fought against it on land-routes, lake, and river, where the constant slave-raiding and trading threatened the security of our communications between one English settlement and another, and between Nyasa and the Lower Shiré. Until Makanjira's power was crippled and his dhows destroyed there would be constant slave-raiding and fighting along the west shore of the lake among people who were our friends and who traded with us, and supplied us with wooding stations for the steamer's fuel. This end, though it has cost him his life, Captain Maguire has accomplished, and, until Makanjira can build fresh dhows, he will be unable to continue his profitable pursuit as a great slave transport agent on Lake Nyasa.

Coast caravans coming from Lindi and Kilwa to buy slaves in the devastated regions west of Nyasa will have no means of crossing the lake in safety with their merchandize. Makanjira can no longer ferry them across, and Fort Johnston, of Maguire's building, stops their journey overland round the south shore of the lake, and the Livingstonia Mountains and the British settlements arrest them at the north end of Nyasa. Maguire has beyond all question dealt in five months a greater blow to the Central African Slave Trade than five years of our naval action on the coast could effect. The fact is, that the bulk of the slaves for which Central Africa is ravaged is needed for the plantations and coast towns along the East African littoral; the exportation of these slaves to Arabia, Persia, Asiatic Turkey, and Madagascar is only an occasional venture, lucky or unlucky, according to the vigilance of our cruisers and the astuteness of the slave-trader. I am able to state now with some precision that the regions along the middle course of the Loangwa River to the west of Lake Nyasa furnish annually over 2,000 slaves, which up to the present have been conveyed across the lake by Mankanjira's and Kazembe's dhows, or brought round the south end of Nyasa through Mponda's country.

The only effectual ways of absolutely stopping the Nyasa Slave Trade is by maintaining a strong garrison at Fort Johnston (Mponda's), and by placing an armed steamer on the lake. The first means we owe to the generous philanthropy of the British South Africa Company. For the second we must look to the Imperial Government or to the nation at large for help.

The gift of money is the surest test of genuine philanthropy. If the British public really cares to abolish the Slave Traffic across Nyasa, it will promptly find the means for placing an armed steamer on the lake, able to cope with the dhows and boats and lake-side towns of the slave-trading Yao Chieftains. If it does not, then in a few months more dhows will be built, and the Slave Trade be reopened by Makanjira and others.

I cannot continue any longer the measures, which were only taken in an emergency, of diverting a commercial steamer like the *Domira* from her proper work in order to use her for fighting purposes for which she is utterly unfitted. This action completely hinders our trade and communications with North Nyasa, Tanganyika, and Moero, besides courting disasters such as that which forms the subject of this despatch. I shall therefore confine my efforts henceforth to checking the transit of slaves across the Shiré Province; and later, across the Tanganyika plateau. The waters of Lake Nyasa must be left open to the energies and expedients of Makanjira, Kazembe, and other Yao slave-traders until an armed steamer is placed at the disposal of the Administration.

I cannot close this despatch without a tribute to the memory of Captain Maguire, whose death has caused me more poignant sorrow, more bitter, unavailing regret, than I have ever yet known. He was of great ability, great bravery, amiable, bright and uncomplaining; and of that rare type of soldier-administrator which is produced at its best by the training of British India. His age at the time of his death was only 33, and he gave promise of becoming a great and notable man. I could say much more about him, but it can be more suitably told at a future time. My grief, however, would be enhanced if I thought that, through my present reticence, Maguire's great merits were unappreciated or unknown.

The Marquess of Salisbury.

H. H. JOHNSTON.

No. 3.—*Commissioner Johnston to the Marquess of Salisbury.*—
(Received April 6.)

MY LORD,

Zomba, January 1, 1892.

I HAVE the honour to forward herewith a statement made by Mr. A. A. Urquhart, the second engineer of the steam-ship *Domira*, relative to the recent sad catastrophe on Lake Nyasa, in which Captain Maguire, Dr. Boyce, and Mr. MacEwan, and three Sepoys lost their lives.

I have, &c.,

The Marquess of Salisbury.

H. H. JOHNSTON.

(*Inclosure.*)—*Mr. Urquhart to Commissioner Johnston.*

SIR,

Blantyre, December 28, 1891.

THE following is an account of what I actually saw transpire at Makanjira's:—

The steam-ship *Domira* left Rifu on Thursday, the 15th December, with Captain Maguire and his party, bound for the opposite side of Lake Nyasa, north of Makanjira's village, in order to capture some dhows that Captain Maguire had got information about.

On arriving at the east side the steamer sailed along the coast southward, when the dhows were seen on the beach at a very rocky part of the coast. Captain Maguire landed in the barge with his soldiers. I noticed that they could not go in close to the beach, and that Captain Maguire and his men got into the water (which was waist-deep) and waded ashore. I also noticed that a brisk north wind was rising just before Captain Maguire landed, causing a good heavy swell on the lake, which latterly filled the barge with water, and thus cut off the only safe means of retreat. I noticed that Captain Maguire set fire to, and completely burned, one of the dhows. During the burning of the dhows I heard volley-firing in the bush on shore, but could see no one except those engaged at the dhow. Mr. Keiller managed with difficulty to anchor not very far from the stones, and with a long rope and the small boat tried to afford a means of retreat to the now retreating soldiers. This means of retreat proved a failure, owing to the heavy seas swamping the boat, and also the new rope breaking several times. However, a few of the men were got on board, when I saw Makanjira's people on the top of the embankment (high beach) close to the shore. Captain Maguire now took the water, and tried to reach the steamer. I saw Mr. MacEwan helping a wounded soldier on board, and he was in the act of throwing a rope to the Captain when I had to go below to start the engines. After the engines were going all right I came up to the top of the ladder, and asked MacEwan if Captain Maguire was on board. Mr. MacEwan answered that he was drowned, and that he sank just before reaching the rope. At this point I just noticed the engine stop, and told MacEwan there must be something wrong with the propeller. He looked, and saw that the rope which he had thrown to Captain Maguire had got foul of the propeller. Two of the stokers got into the water and cut the rope. I again started the engines, but by this time the steamer had been driven on the sand. At the same time I got information that Mr. MacEwan was wounded. I remained in the stoke-hole driving the engines both ahead and astern, until I heard of Mr. Keiller being wounded. I then proceeded on deck, leaving the boiler and engine in charge of Tom (a native), and found the

steamer almost lying parallel to the shore, and the soldiers on the fore-deck, with their beds up against the hand-rails, returning fire. It was now getting dark. I had the anchor carried out several times, at the same time going full speed ahead. But the force of the sea proved too strong. The firewood being now finished in the stoke-hole, my next consideration was to get some along from the fore-hold, which proved a difficult matter owing to the boys being exposed to a heavy fire which the enemy kept up. However, a boma was made along the side of the ship with firewood, provision boxes, trusses (bales) of calico, private boxes (baggage), &c. By this means all on board were sheltered to a considerable extent. The making of the boma lasted all night under a heavy fire. Early next morning, Wednesday, the 16th, the lake being much more calm, another attempt was made to get the steamer off by steam and anchor, until I was wounded at 9 A.M., and consequently I don't know what transpired between 9 A.M. and 6 P.M., at which time I resumed duty again, working all night.

Thursday, 17th.—All attempts made to get the steamer off without being hurt, but failed again. Mr. Keiller decided to hoist the white flag next morning.

Friday, 18th.—The flag was hoisted, and the enemy stopped firing and hoisted another on shore. Dr. Boyce and Mr. MacEwan conducted the business on deck, and in the afternoon went ashore, with the sad result that they were killed.

Saturday, 19th, and Sunday, 20th, were spent in trying to get the steamer off, which floated on Sunday, 20th, at 8 P.M. As far as I could hear from below, one shell (fired) was sent into the village, which caught on fire. With reference to the peace negotiations conducted on board by Mr. MacEwan and Dr. Boyce, I would state that I was down below while these were being carried on. I however, saw through the port-hole Makanjira's men sitting close to the water's edge unarmed, and heard they had asked that two Yao-speaking boys be sent on shore to them; this was done. The boys returned with the following statement:—

Makanjira did not want war; he wanted to be friends with the white man, who should, on their side, prove their friendship by sending off a piece of blue and white calico as a pledge. This was done, and the negotiators departed with the pledge, ostensibly to lay the matter before Makanjira. Returning shortly after, two of their number came on board the steamer. I saw a quantity of cloth going on shore, and was told by Dr. Boyce that it was given as payment for a number of men who were to come to haul off the steamer, the two negotiators going on shore with the calico. Two hours passed without anything happening.

The next incident was our being hailed from the shore by

Makanjira's men, who stated that they wanted one of the white men to come on shore, giving no reason so far as I know. Mr. MacEwan for some time hesitated whether he should comply with their request, but on being reassured by Dr. Boyce, who offered to go with him, this step was taken, they being carried on shore on men's shoulders. They took with them a log of what had previously happened, in order to add particulars of what transpired on shore.

MacEwan was the first to land, but both disappeared together into the bush, and were never again seen by us.

Some time after we heard the report of what seemed to me to be blank cartridges, and our people took them to mean an expression of joy on the part of Makanjira's people, and that negotiations had been peacefully concluded. Shortly after, on being asked by us what had become of the white men, they replied they were killed. After dark Kutsapa, *alias* Juma, came on board, wounded, with the following statement:—

On the arrival of Mr. MacEwan and Dr. Boyce, messengers were sent to Makanjira, returning with a message that the white men were to be put to death.

Kutsapa states that the party was surrounded, MacEwan shot in several places, Dr. Boyce speared, Nalusa, a steamer boy, and three Swahilis shot.

With reference to the fate of Captain Maguire, I saw his body lying on the beach, where it had been washed up by the sea. As far as we could tell, nothing would lead us to suppose that the Arabs intended any mutilation of the body. The bodies of the Sikhs lay on the beach close by that of Captain Maguire.

Dr. Boyce was particularly anxious to obtain the bodies of Captain Maguire and the Sikhs, hoping to persuade Makanjira to allow him to take them on board.

One point I wish to emphasize. As I happened to be viewing the shore with a glass through the port-hole, I saw Captain Maguire's orderly coming out of the bush, followed by several of Makanjira's people, and making straight for the spot where Maguire's body lay, and examining the dead bodies. This was while we supposed MacEwan and Dr. Boyce were conducting peace negotiations in the village. He subsequently came on board unhurt.

ANGUS A. URQUHART, *Engineer,*
Steam-ship Domira.

Witnesses:

JOHN GIBBS, *Acting Manager, African Lakes Company.*

W. A. MORGAN.

*No. 4.—Commissioner Johnston to the Marquess of Salisbury.—
(Received May 2.)*

MY LORD,

Zomba, *February 16, 1892.*

As I informed your Lordship by telegram, I returned to the Residency at Zomba on the 10th February last from Lake Nyasa.

I arrived at Fort Johnston (opposite Mponda's, and near the south-east end of Lake Nyasa) on the 8th January. I found the garrison there in good spirits, and prepared to resist any attack from Makanjira. I had been preceded a few days before by Mr. J. G. King (formerly in charge of the Lower Shiré district), Dr. Watson, Medical Officer to the Administration, and Mr. George Stevenson (now in charge of the Lower Shiré district). I appointed Mr. King to be Collector of Revenues and Magistrate* for the Upper Shiré district to reside at Fort Johnston, and Dr. Watson also was transferred thither in place of the late Dr. Boyce.

Shortly before my own arrival Mr. Monteith Fotheringham, the Manager of the African Lakes Company, and an engineer and carpenter, had arrived at Fort Johnston, off which the steam-ship *Domira* was lying, and had proceeded to put that vessel into repair. The injuries the *Domira* had sustained in the stranding and warfare at Kisungule, on Makanjira's coast, were not serious, and on the 11th January she was able to start for the north end of Nyasa on her routine journeys. (She returned thence at the beginning of February, and is now being docked for her annual overhauling.)

When I had had time to take in the situation at the south end of Lake Nyasa which had been brought about by the news of Captain Maguire's death reaching all the surrounding native Chiefs, I found, briefly, that Mponda, Jumbe, and Kazembe, on Lake Nyasa, remained friendly to us, but that we were threatened by a confederacy of the Yao Chiefs, Zarafi, Likoro, Mkata, Makandanji, and Msamara, who had of late made common cause with Makanjira, secretly preparing to attack us, even while they were making Treaties with us and protesting their friendship.

Makanjira, however, who should have stood at the head of this confederacy, had suffered such severe losses in the late attack on Kisungule, where, although we lost Captain Maguire and three Sepoys, and (by treachery) Mr. MacEwan and Dr. Boyce, our soldiers had, nevertheless—so Makanjira informed Mponda by letter—killed nearly 200 of his men and allies, including twelve Arab slave-traders from the coast, had burnt two more of his towns, and destroyed his last two dhows. Makanjira, therefore, had no heart to carry the war into the Englishmen's country, and urged the

* He holds a Commission under the Africa Order in Council.

other members of the confederacy to have their turn at the white man. (In the week's fighting at Kisungule Zarafi lost eight men, Makandanji five, and Likoro five.)

Twice, it is reported, Zarafi sent 1,000 men to attack Fort Johnston, but on neither occasion did they venture within gunshot. The confederacy, therefore, decided to "take it out of" Mponda whilst they gathered up courage to attack us. They therefore raided his outlying villages and plantations, and carried off over sixty prisoners, whom they promptly sent away to the coast to be sold as slaves.

Mponda had, from the first inkling of the disaster, been heartily loyal to us. He had not only abstained from any hostile action and preserved a cold neutrality, which alone at that crisis would have been commendable, but he had immediately declared his active partizanship for the English; he sent over 300 men to assist in the defence of Fort Johnston, and, what was still more important at that juncture, he supplied the Indian garrison with large quantities of food, so as to prevent any shortness of supplies happening until relief could arrive from the lower river. These services were really great, and should outweigh much that Mponda has done in the past and much that he may do in the future of a reprehensible nature. When it is remembered that in the middle of October last he had had his chief town bombarded and utterly destroyed, had been heavily fined and otherwise punished for his participation in the Slave Trade, it says much for his frank acceptance of our rule that when two months later Fort Johnston and the steam-ship *Domira* lay for a week at his mercy, he not only repelled the invitations of the Makanjira confederacy to join their league and drive the English once for all from Lake Nyasa, he not only refused, when wealth beyond his avaricious dreams was within his grasp, but he made common cause against the enemies of the new order of things, and afforded us active assistance instead of the passive neutrality which was the utmost we were entitled to expect.

He was soon made to suffer for his alliance with the English. Msamara, his rival and half-brother, attacked his territories on the west of the Shiré and carried off twenty prisoners, and Zarafi and Likoro raided his plantations on the east bank and captured forty of Mponda's villagers who were tilling their farms. These, as I have already mentioned, were sold into slavery. Mponda's enemies were threatening further attacks when the news of the arrival of numerous white men at Fort Johnston caused them to desist and retreat.

I was rather surprised at Msamara's treachery, because he had hitherto affected such friendliness for the English, and also because

I had several of his Headmen in my keeping as hostages at Fort Johnston.

Msamara, I now ascertain, sent a deputation of his Counsellors to Fort Johnston to meet Captain Maguire prior to his setting out on the last expedition which proved so fatal. These men came to propose, amongst other things, that Maguire should attack Mponda again and hand his country over to Msamara.* Maguire naturally refused, but proposed instead a friendly arrangement of boundaries between the two conflicting parties, and for this purpose asked the deputation to await his return from Kazembe's at Fort Johnston. This they somewhat reluctantly did; but when the news of Maguire's death arrived they were about to take to flight, when 'Ali Kiongwe,† my Swahili Headman, who had been left in charge of the fort, wisely retained them as hostages, for he had learnt that Msamara only awaited the return of these men to join Makanjira's confederacy against us. In fact, it became known that an arrangement had been made between Zarafi and Msamara for a joint attack on us and on Mponda. Msamara was to attack Mponda and so distract him from his helping us; Zarafi, simultaneously, was to attack Fort Johnston. The scheme, however, was happily baulked by Kiongwe's wise prevision. The retention of Msamara's envoys

* The late Mponda, a celebrated Yao conqueror known to Livingstone, invaded the Upper Shiré district in about 1858, and formed it into a powerful Mahommedan kingdom of considerable extent. He left numerous sons, of whom Msamara was one, the present Mponda being the eldest. The late Mponda's legal successor, according to the intricate Yao law, was his eldest sister's direct descendant, who is a little boy aged about 10. The present Mponda was appointed Regent by his late father during the child's minority. The incessant civil wars which have since prevailed have been the result of the attempts of the other brothers, led by Msamara, to snatch the Regency from the present Mponda.

† 'Ali Kiongwe is a notable man. He is a native of Zanzibar. When a lad of 16 he journeyed with an Arab caravan across Nyasaland to the Loangwa. When 18 years old he joined Stanley's caravan (in 1874), and with Stanley explored the Victoria Nyanza and descended the Congo. In 1879 he returned with Stanley to the Congo, where I first met him, in 1883, and where he served till the end of that year. In 1884 he went with me to Kilimanjaro as my Headman. In 1885 he worked for the Universities Mission. He then joined Count Teleki, and accompanied him throughout his remarkable East African journeys. After this he was engaged as Headman by the late Mr. Guy Dawnay, and for the manner in which he rescued the body of that unfortunate gentleman, his rings and watch, from the Masai, he was rewarded by Mr. Dawnay's family with a gold watch and chain. In 1889 he accompanied me throughout my journeys in Nyasaland, to Tanganyika, &c. In the early part of 1890 he carried out an important political mission to the north end of Tanganyika, and in 1891 he returned with me to Nyasaland as native officer in the Zanzibari police.

fettered his inimical action, and the alliance between Msamara and Zarafi produced nothing further than the capture of sixty of Mponda's people as above described.

These hostages of Msamara's being important people in his country, public opinion compelled him to make some effort to release them. Accordingly, finding letters were of no avail, he crossed the river and came up to the vicinity of Fort Johnston with an armed following to protest his friendship, but to ask that the people retained as hostages might be given up. I declined to surrender them, however, until he restored the twenty people stolen from Mponda. Whilst we were talking I noticed, to my great surprise, in Msamara's train two of the slave-traders (Musa Salinini and Majileiva, locally known as "Kamwendo") whom Captain Maguire had captured in last October at Maüni, and who were sentenced to a term of imprisonment at Fort Johnston, but who afterwards eluded the Indian sentries and escaped. I pointed this out to Msamara and demanded their surrender. He demurred, and whilst I was sending for some police to arrest them, they made off to the river-side, got into canoes and escaped. I therefore told Msamara that I should arrest him and confine him in the fort until the slave-traders were recaptured,* and the twenty people stolen from Mponda returned.

With some adroitness Msamara's people had been disarmed by Kiongwe and the Swahili police, and Msamara, seeing resistance useless, accompanied me to the fort, where he was given comfortable quarters and allowed to have his own attendants.

Meantime, I had been considering what action should be taken against our enemies. The Indian soldiers were very anxious to be led against Makanjira, but to march them 90 miles overland without porters or other means of conveyance to carry the field-gun, tents, ammunition, and food was impossible, especially in a country without roads, and at this season marshy and covered with a dense jungle of grass. I had no means of conveyance by water, and, apart from these considerations, in order to lead a sufficient force against Makanjira I should have to denude Fort Johnston of nearly all its garrison; then, when our backs were turned, Zarafi and his allies would make a descent on the place and probably take it. I therefore thought it wiser first to deal with the enemies nearer at hand than Makanjira. I started with Messrs. King, Stevenson, Dr. Watson, and Corporal Hoare, R.E., for Zarafi's country, taking with me about thirty Sepoys and the same number of Zanzibaris. Mponda sent a number of his men to carry our loads, but they were

* They were ultimately caught by Mponda's people a fortnight afterwards and surrendered to me, and are now working out their sentence.

uncertain allies, as they declined to penetrate far into Zarafi's country, and were constantly deserting. I occupied, without resistance, two of Zarafi's villages. At one of them, Mwinyi-Mtshande's, I built a fort in a very advantageous position on the lower slopes of the hill country, commanding the beautiful and fertile valley of the river which debouches into the lake at Makandanji's. This fort should control the road—a constant slave-caravan route—which passes from Makanjira's, viâ Makandanji's, through Zarafi's country to Kawinga's. From this fort we made several excursions, but nowhere would Zarafi meet us or show fight. He had, in fact, left his country and fled to the hills beyond, where it was futile to attempt to follow him without guides or porters.

Whilst at Mwinyi-Mtshande's I sent an expedition of Zanzibari police and Mponda's people, together with a few Angoni, to reconnoitre Likoro's and Mkata's country along the east shore of Lake Pamalombwe. These men are vassals of Zarafi's, but they had been somewhat bolder in the war than he. Of late they had taken to firing on our boats and those of the Universities Mission as they went by.

The Zanzibaris drove Likoro's people out of their town with considerable loss to the enemy, and with one Angoni killed on our side, and one Zanzibari wounded. They penetrated into Mkata's country, but were eventually repulsed by large numbers of the enemy, though their retreat was effected without loss and in good order. Consequently, I saw that the bulk of the resistance was to be met with in that direction, and after completing the fort at Mwinyi-Mtshande's and leaving it sufficiently garrisoned, and with Corporal Hoare in charge, I proceeded against Likoro. By this time we had been joined by Captain Keane, R.N., of Her Majesty's ship *Herald*, and Quartermaster Inge, who had volunteered for service on the Upper Shiré, and had come up in a boat from Matope bringing very welcome supplies of food. Captain Keane took command of the land party, and I proceeded with the Indian police by water. We arrived almost simultaneously at Likoro's, which we occupied without resistance, the natives running away at our approach. The next morning, however, an advance party under Messrs. King and Stevenson, who were cutting a road through the grass, was smartly attacked, and one Zanzibari wounded. The enemy was driven from his cover, and we gradually pushed on to Mkata's country, the journey thither being beset with many difficulties owing to the extraordinary height and density of the herbage. In many places the grass rose above our heads, and we floundered in swamps or laboured through deep mud.

We took and destroyed five villages in all, and at only one place—a stockaded town belonging to Nasora—a Swahili man residing

with Mkata, did we meet with much resistance. Here one of our native police—a Mambwe man—was shot dead, through the body.

From Nasoro's we sent out skirmishing parties, but the enemy showing no sign of existence we eventually returned to Likoro's, where a force under Quartermaster Inge was left for a while to harass the enemy should they attempt to return.

We then made our way back to Fort Johnston, Mr. King and myself going overland, and Captain Keane taking command of the boat party.

As regards Msamara, however, a disagreeable thing had happened just before I started for Likoro's.

After his detention in the fort he had informed Kiongwe that it was useless putting guards over him, as he could at any time escape if he chose, owing to a powerful medicine he possessed which would render him invisible. This medicine, it appears, was a blackish powder contained in an antelope's horn which he wore around his waist. The contents, he told the Sepoy, were snuff, so no suspicion was attached to this horn; however, this was the medicine which was to render him invisible. He was to divest himself of all his clothes, swallow a pinch of this "snuff," and he would be able to walk about unseen. Accordingly, one day, the Indian guards were considerably surprised at seeing Msamara, quite naked, attempting to push past him. A prompt presentation of bayonets made him recoil, and he was induced to return to his house in the fort and resume his clothes. After this the horn of medicine was taken away from him and hung up in Kiongwe's house. A few days afterwards, however, it was taken down by Msamara's own attendants and smuggled back to him. Kiongwe again tried to take it away, but Msamara became so excited that I said he might wear it, as I imagined its potency to be purely imaginary, and thought that the first failure to escape would have shown Msamara the trumpery nature of the medicineman's charm.

However, it appeared that he himself ascribed his non-success in rendering himself invisible to the insufficiency of the dose. One night, therefore, he must have taken, unobserved, a larger quantity, which had a fatal effect on him, for in the morning (at 6 A.M.) the guards found him dead and divested of his clothing. Dr. Watson was at once called, and Msamara's people were summoned. The doctor pronounced life to have been extinct for several hours, and the cause of death to be some poison affecting the action of the heart. On Msamara's right hand was found a sprinkling of the black powder from the horn. He had also gripped the right shoulder with the nails of his left hand as though contorted by some spasm. The doctor wished to make a *post-mortem* examination, but Msamara's people strongly objected. They themselves

expressed their conviction that their Chief had met his death by an overdose of the "strong medicine,"* and they asked leave to carry the body back at once to his own country, so that his people might see that Msamara had not met his death by violence. I acceded to their request, and they started in canoes and returned with their Chief's dead body to Msamara's town.

The two slave-traders who had daringly accompanied Msamara to the vicinity of Fort Johnston, and who had subsequently escaped, attempted to return to Msamara's town, but the people drove them away, saying that they had already brought enough trouble on the country. They were then captured by Mponda and handed over to me. Some idea of their cool confidence and daring may be gathered from the following recital of their proceedings since they escaped from Fort Johnston in October last :—

They first went to Saïdi Mwazungu's. Then when we attacked that place they fled to Zarafi's, and from there went to Msamara's. From Msamara's they visited Livingstonia, and captured the wife of one of the African Lakes Company's boatmen. This woman they brought back to Msamara's, and sold there to a Swahili man who lives in Kawinga's country. After this they assisted Msamara in his raid on Mponda's villages, and sold for him, or on their own account, the twenty captives thus obtained. The woman from Livingstonia, however, eventually escaped from Kawinga's country and made her way down to the Shiré. People came in pursuit of her, so she hid herself in the reeds. At that moment Captain Keane was coming past in the Lakes Company's boat on his journey up river. She cried out to him for assistance, and he took her into the boat. Then the people in pursuit came up and demanded her restoration, declaring that she was not a slave but a runaway wife. This, however, was abundantly disproved by her being recognized and identified by the Livingstonia boat boys. Finding their plea had broken down, therefore, the claimants hurriedly decamped, and Captain Keane brought the woman to Fort Johnston. There she immediately identified Majiliwa, or "Kamwendo" ("Little Leg"), as he is locally called, as her kidnapper at Livingstonia. Kamwendo did not deny the imputation. Other witnesses came forward from the *Domira* to identify the woman; among them her brother, who had been wounded in the disaster at Makanjira's. I therefore sent her back to Livingstonia and restored her to her husband. Her name is Tshiwamsinjiri.

The two slave-traders are now on their way to the Lower Shiré to work out their term of hard labour on the roads. What induced

* Dr. Watson is now analyzing this. It appears to be made from the "*strophanthus*" seed.

them to do anything so foolhardy as to accompany Msamara to my camp I cannot say. Perhaps they may have thought that since the death of Maguire and his interpreter no one would recognize them, especially as they had put off their white shirts and merely wore loin-cloths, or it may be that Msamara compelled them to come, perhaps half intending to offer them up in exchange for his hostages (all of whom, by-the-bye, have now been sent back to their country). At any rate, we have recaptured two out of the seven slave-traders whom Maguire caught at Maüni. The others have, by all accounts, returned to the coast at Kilwa Kivinje, where, it is to be hoped, the German authorities will look out for them. The names of the other five are : Ali-bin-Tshamba, Bwana 'Omari, Amiri, Mwitshaude, and Salimani.

With regard to the other Chiefs on the southern half of Lake Nyasa and in Angoniland, I may mention that they all appear to be friendly and loyal to the British. I received from Tshikusi, of Angoniland, a present of a bull and a cow and four tusks of ivory, and the loan of twenty-five men. Tshifisi, another Angoni Chief, sent one ox, twenty-five goats, and six small tusks. Jumbe, the Sultan of Marimba, sent a present of fifty 50-lb. bags of good rice, and assisted my messengers who went to his town to buy sixty-six more bags. Mpemba sent five loads of Indian corn and one tusk. Kazembe's mother sent a large tusk of ivory weighing 46 lb. The ivory in question has been sold and placed to the credit of the Administration.

Having satisfied myself that Fort Johnston was amply garrisoned and furnished with sufficient stores of ammunition to meet all present contingencies, and recognizing that further action against Makanjira was impossible until the dry season and the burning of the grass, I decided to return to Zomba, where it was urgently necessary to continue the settlement of the land claims and other matters of which my absence had delayed the solution. Captain Keane returned with me, leaving Quartermaster Inge at Fort Johnston,* where his services in connection with the guns and boats will be most valuable.

I have, &c.,

The Marquess of Salisbury.

H. H. JOHNSTON.

* Of which Mr. King is in charge. The garrison of the two forts consists of Dr. Watson, Corporal Hoare, Quartermaster Inge, Kiongwo, 50 Sepoys, 42 Zan-zibaris, and 49 Makua.

*No. 5.—Commissioner Johnston to the Marquess of Salisbury.—
(Received May 2.)*

(Extract.)

Zomba, February 20, 1892.

I DO not find myself able to come to a compromise about the Slave Trade. Domestic slavery I have not interfered with. I have said nothing on the subject. But the Slave Trade means the continual devastation of these wretched countries, and is utterly inconsistent with any form of British protection or administration. I am not necessarily referring to the slave-raids which go on in the distant west or in countries outside our boundaries, I mean the kidnapping and sale of people in the vicinity of Blantyre, on the banks of the Shiré, and above all on the shores of Lake Nyasa. Swahili slave-traders prowl round the very precincts of the Residency at Zomba with intent to inveigle Chiefs into selling their people or on the off-chance of picking up some unprotected woman or child in the bush.

Our plans, chiefly elaborated by the late Captain Maguire, for arresting slave-caravans in the Shiré district and at the south end of Lake Nyasa, have resulted in the release and return to their homes of between 300 and 400 people, and the destruction of five slave-dhows on the lake has naturally limited for a time the transport of slaves across Nyasa; but these actions are not pleasing by any means to the Arabs and Yaos, the Mahommedan element in fact, of Nyasaland.

I begin to despair of these Mahommedans. I have long hoped against knowledge that the Arabs and Arabized natives of Central Africa might come to see that there were honest means of livelihood just as profitable as the Slave Trade; but whatever wavering there may have been during 1889 and 1890, when Major von Wissmann's stern treatment of slave-traders on the coast scared away for a while the slave-caravans and deprived them of their market, in 1891 and at the present time there would seem to have been some obstacle removed from the slave-trader's path, and the transport of slaves from Nyasaland and Tanganyika has again locally assumed formidable dimensions. Since the month of October last we have checked the Trade between the south end of Lake Nyasa and the River Ruo, but at the cost of making all the Nyasaland Mahommedans consider the advisability of rising against us and driving the British away. Again and again I have striven to show the Arabs that the cultivation of ground-nuts, coffee, sugar, or the breeding of cattle or donkeys, would prove quite as lucrative as the Trade in Slaves, while these agricultural or pastoral pursuits would certainly be superior in comfort and safety. I have even hinted that the recently captured people would be more profitably employed as cultivators in

the Arab settlements of Central Africa than by being transported at great risk to an uncertain market on the coast. But I think there must be some inherent love of cruelty and rapine in their dispositions, as well as a great restlessness. They are not content to become colonists and settle down in Nyasaland, making their homes there. Their settlements are more like camps. The only apparent exception to this description is Jumbe's country, which certainly is something approaching to a settled, cultivated land. Yet even here there are disintegrating forces at work. Jumbe himself is becoming weary of the effort of controlling the turbulent Arabs and Mahomedan Yaos, whom he calls his Captains ("Akida"). When he dies there will be a great outbreak of the Slave Trade in that district.

I could afford to disregard Arab disapproval, and fearlessly continue the suppression of the Slave Trade; I could also complete the chastisement of Makanjira, keep Jumbe's people and the Karonga Arabs in order, if I had one thing—an armed steamer on Lake Nyasa, a vessel better fitted for attack and defence than the *Domira*, and one which could transport easily 100 men. With a ship like this I could steam from end to end of the lake in four days, could land a force of soldiers unexpectedly at any point, could police the waters of Nyasa and prevent the transport of slaves, or ivory which has not paid export duties; for it may be imagined that people who do not fear to trade in slaves do not much concern themselves with conforming to our Customs Regulations.

The steamer would fulfil many useful purposes for the Administration and the South Africa Company, besides policing the lake. It would be able to transport the administrative and commercial employés of the South Africa Company to and fro on the lake, convey stores to the various stations, and carry the mails; it could even accommodate at times other passengers, and might earn, in short, enough money to pay for all its working expenses, besides saving the Administration the present serious cost of relying for its transport on Lake Nyasa on the African Lakes Company.

Without placing a steamer on the lake, we can do little more towards stopping the Slave Trade on Lake Nyasa than by issuing strongly-worded expressions of our disapproval to the Arabs, which will scarcely stop the passage of dhows across the lake, or restrain the malcontent slave-traders from attacking Karonga or Bandawe.

The Marquess of Salisbury.

H. H. JOHNSTON.

*No. 6.—Commissioner Johnston to the Marquess of Salisbury.—
(Received May 2.)*

(Extract.)

Zomba, February 25, 1892.

I REGRET to have to inform your Lordship that I have just received news of an unfavourable character from Fort Johnston.

Your Lordship will no doubt remember that I reported my return thence to Zomba after having, as I considered, satisfactorily settled present difficulties. I had left the fort well garrisoned and well supplied, and I placed Mr. King (formerly Collector of the Lower Shiré district) in charge. I gave Mr. King strict orders to remain only on the defensive, and to attempt no further action of an offensive kind against our enemies.

Nevertheless, for some reason not yet made evident—perhaps because our forces had just been increased by 100 Angoni warriors from Tshikusi—Mr. King suddenly decided to attack Zarafi's stronghold in the hills behind Fort Johnston. He took with him Quartermaster Inge, Dr. Watson, thirty-five Sepoys, about thirty Zanzibaris, a few Makua porters of our own, and a number of native porters, and the 100 Angoni; also a 7-pounder cannon. His journey to Zarafi's was practically unopposed, and he entered the town without resistance; but the town itself was little less than a trap. No sooner were they within its inclosure than the enemy swarmed on the heights above, and poured down a pitiless fire on our men. The native porters and Angoni all ran away. Mr. King and Dr. Watson were both wounded, five Sepoys and one Zanzibari were killed, and four more Indians slightly wounded. A retreat was decided on, and carried out without further loss, except in the way of baggage and arms. Owing to the flight of the carriers, some boxes of Snider ammunition and the 7-pounder had to be abandoned, after the latter, ably worked by Quartermaster Inge, had served to cover the retreat.

These are the details which have been communicated to me up to the present time in letters from Dr. Watson and Quartermaster Inge, and I am unable at present to ascertain the reason of Mr. King's undertaking this expedition against my orders and without previous intimation to me. A Zanzibari bringing the letter states that some time after I left, Zarafi descended from the hills and made another slave-raid. Whether this was the cause of Mr. King's attack on his stronghold or not I cannot say. Certainly it will need some very exceptional and critical condition of affairs to exonerate Mr. King from blame for taking the offensive without my sanction.

I am now sending Captain Keane, R.N. (temporarily staying with me at Zomba) to the lake, to Fort Johnston, with reinforcements, and to take command and report to me on this ill-timed and

lamentable affair. If necessary, I shall again proceed to Lake Nyasa myself; but I am exceedingly anxious to first finish my accounts (now very much overdue), and complete the settlement of the land question, before again absenting myself from Zomba.

I am anxious to assure your Lordship that I am not pursuing a bellicose policy in attempting to suppress the Slave Trade along the River Shiré and on the south end of Lake Nyasa. I am not, that is to say, contemplating any Quixotic or expensive crusade against slavery throughout British Central Africa; but what I am forced to do is to put down slave-raiding and trading along our narrow and precious line of communication between the Shiré and Tanganyika, because if I allow these nefarious pursuits to continue, I am exposing this line of communication to constant and dangerous interruptions, and I am denying protection to those who have the fullest claims to our support, since they obey our laws, follow our counsels, and contribute by a mild taxation towards the expenses of government.

The Marquess of Salisbury.

H. H. JOHNSTON.

*No. 7.—Commissioner Johnston to the Marquess of Salisbury.—
(Received May 2.)*

(Telegraphic.)

Zomba, March 8, 1892.

I HAVE just received further news from Fort Johnston. The reason why Mr. King attacked Zarafi was because this latter, assisted by a large slave-caravan from Kilwa, had once more begun making slave-raids against the people of the Shiré district. But few Indians and one Zanzibari are reported killed. King was wounded and five others of our men.

Fort Johnston will be placed under the command of Captain Keane, whom I have dispatched thither. He has received strict orders not to take the offensive. Thirty-two men were killed on Zarafi's side, among whom were seven or eight of the Kilwa traders, Barghash, his Swahili Councillor, and Khamisi, his brother. Although he had driven back our troops, Zarafi has retired to the hills without having attempted to follow up his advantage.

Reports from Keane, dated the 3rd March, say that everything was satisfactory at Fort Johnston, and that loyalty of Mponda remains unshaken. Excepting at the south-eastern extremity of Lake Nyasa there is no trouble anywhere else in the district; everywhere else there is peace, and trade is increasing.

*No. 8.—Commissioner Johnston to the Marquess of Salisbury.—
(Received May 2.)*

(Telegraphic.)

Zomba, March 21, 1892.

I HAVE received following from Fort Johnston:—

Letter has been received from Zarafi asking for peace, and promising to cease slave-raiding. Mponda and Jumbe have addressed letters to leading Nyasa Arabs, in which they inform them that they have come to a definite decision to stand by the English. Three messengers have arrived at Zomba from Kazembe to announce that that Chief adheres to this policy. A new Chief has been elected by Msamara's people, who have begged me to grant him recognition and present him with a flag. I have done so, and he promises to keep the Treaty made with the late Msamara. Captain Keane states that people are once more settling on and building on the districts in the country of Mponda now that there is some security against slave-raiding, and he reports very encouragingly on affairs on the Upper Shiré. The fact that Zarafi and Makanjira have exhausted their powder supplies and have dispatched caravans to buy more at Kilia and Quilimane is the chief cause of this favourable change.

*No. 9.—Commissioner Johnston to the Marquess of Salisbury.—
(Received May 2.)*

(Telegraphic.)

Zomba, April 8, 1892.

LETTERS from Captain Keane, dated the 27th March and 4th April, report very satisfactory state of things on Nyasa Lake; 3,000 men placed at his disposal by Angoni Chief Tshifisi, and Mponda. These irregular forces he dispatched against Zarafi and the Kilwa slave-traders, who were forced with heavy loss to retire across the eastern frontier. The Magwangwara, in large numbers, at the same time made an attack on Makanjira's, and drove him from the shore of the lake.

Captain Keane speaks highly of the help which Mponda and Jumbe afforded him, and two of the Nyasa Arabs have contracted to supply the materials for building the Fort Johnston barracks.

Captain Selater also is at Lake Nyasa, beginning the road which is to run to Zomba from Fort Johnston.

Dr. Watson and Mr. King have recovered, and resumed their work.

No. 10.—The Marquess of Salisbury to Mr. Trench.

(Telegraphic.)

Foreign Office, May 3, 1892.

WE learn by telegraph from Mr. Johnston from Nyasa that the hostile native Chiefs and all slave-raiders are beaten, and having exhausted their ammunition are paralyzed.

He is afraid that they are trying to get more supplies from Kilwa.

You should press the German Government to telegraph, warning their local authorities, and instructing them to prevent these supplies being obtained.

No. 11.—The Marquess of Salisbury to Sir G. Petre.

(Telegraphic.)

Foreign Office, May 3, 1892.

CONSUL-GENERAL JOHNSTON telegraphs from Nyasa that the hostile slave-raiders and native Chiefs have been defeated, and are paralyzed owing to the fact of their ammunition being exhausted.

He fears, however, that they may try to get a further supply from Quilimane.

I should wish you to press the Portuguese Government to telegraph warning their local authorities, and instructing them to prevent this supply being obtained.

No. 12.—Sir G. Petre to the Marquess of Salisbury.—(Received May 5.)

(Telegraphic.)

Lisbon, May 5, 1892.

WITH reference to your Lordship's telegram of the 3rd instant, Senhor Costa Lobo informs me that telegraphic instructions were sent yesterday by the Minister of Marine to Mozambique to the effect that the local authorities at Quilimane were to prevent the supply of ammunition to the Arabs of Nyasa.

No. 13.—The Marquess of Salisbury to Commissioner Johnston.

(Telegraphic.)

Foreign Office, May 7, 1892.

THE Admiralty are now having constructed two small steamers for service on Lake Nyasa. It is feared that they cannot be taken up the Shiré before October, though they will be ready in July.

No. 14.—Sir E. Malet to the Marquess of Salisbury.—(Received May 16.)

MY LORD,

Berlin, May 10, 1892.

WITH reference to your Lordship's telegram of the 3rd instant, I have the honour to inclose translation of a note, and of its inclosure, which I have received from the Imperial Secretary of State for Foreign Affairs, giving the Regulations which are in force with regard to the importation of arms and ammunition into the German Protectorate in East Africa, and stating that special instructions have been sent by telegraph in order to insure their strict execution, in view of the danger of arms being supplied from Kilwa to the slave-raiders in Nyasaland.

I have, &c.,

The Marquess of Salisbury.

EDWARD B. MALET.

(Inclosure 1.)—Baron Marschall to Mr. Trench.

(Translation.)

M. LE CHARGÉ D'AFFAIRES, *Foreign Office, Berlin, May 8, 1892.*

I HAVE the honour to inform you that, in accordance with your note of the 4th May, and with the desire of Lord Salisbury, I instructed the Imperial Governor of German East Africa on the same day by telegram to exercise a special supervision over the importation of arms into Kilwa in order to exclude any possibility of Arabs or native slave-traders on Lake Nyasa obtaining supplies of ammunition through smugglers.

At the same time, I would observe that I cannot share the fears expressed by Mr. Johnston; for, according to the inclosed Regulation of the 1st December, 1891, the importation of fire-arms, ammunition, and powder is forbidden within the German Protectorate, and, moreover, the traffic in the afore-mentioned articles is entirely in the hands of the Imperial Government.

The Imperial Government considers that to insure the strictest conformity to this Regulation is, in the interest of their own authority, one of their most binding duties.

I avail, &c.,

Hon. P. H. Trench.

MARSCHALL.

(Inclosure 2.)—Decree of the Imperial Governor of German East Africa respecting the Importation of Fire-arms of all kinds, and the Formalities to be observed in connection therewith.—December 1, 1891.

[See Vol. LXXIV, page 333.]

No. 15.—*Commissioner Johnston to the Marquess of Salisbury.*—

(*Received May 30.*)

(Telegraphic.)

Zomba, May 11, 1892.

NEWS received from Captain Keane, dated Fort Johnston, the 5th May, reporting arrival of many refugees from Makanjira, whom our Magwangwara allies have attacked and beaten. Certain of these refugees witnessed the murder of MacEwan and Dr. Boyce. They also say that Makanjira is now without powder, and that unless the caravans which he has dispatched to Kilwa and Lindi, on the German coast-line, return with powder, he will not be able to withstand the Magwangwara much longer.

I would beg your Lordship to press German Government not to permit the purchase of gunpowder by caravans for Nyasa. Everywhere else on Lake Nyasa things are very much in our favour, and Jumbe and Mponda continue to give us effective support.

*ORDINANCE of the Government of Ceylon, to amend the Law relating to Fraudulent Marks on Merchandize.**

[No. 13.]

[Assented to, December 22, 1888.]

(L.S.) ARTHUR GORDON.

WHEREAS it is expedient to amend the Law relating to fraudulent marks on merchandize:

Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:—

1. This Ordinance may be cited as “The Merchandize Marks Ordinance, 1888;” and it shall come into operation at such time as the Governor shall appoint by Proclamation, to be published in the “Government Gazette.”

2. The Ordinance No. 5 of 1865, intituled “An Ordinance relating to the fraudulent marking of merchandize,” so far as the same has not been repealed by the Criminal Procedure Code, 1883, and sections 467 and 469 and so much of sections 471, 472, 474, and 475 of the Ceylon Penal Code as relate to trade-marks, are hereby repealed; and any unrepealed enactment referring to any enactment so repealed shall be construed to apply to the corresponding provisions of this Ordinance: Provided that this repeal shall not affect—

* Amended by Ordinance No. 14 of 1892, page 606.

(a.) Any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactment hereby repealed; nor

(b.) The institution or continuance of any proceeding or other remedy under any enactment so repealed for the recovery of any penalty incurred, or for the punishment of any offence committed, before the commencement of this Ordinance; nor

(c.) Any right, privilege, liability, or obligation acquired, accrued, or incurred under any enactment hereby repealed.

3.—(1.) Every person who—

(a.) Forges any trade-mark; or

(b.) Falsely applies to goods any trade-mark or any mark so nearly resembling a trade-mark as to be calculated to deceive; or

(c.) Makes any die, block, machine, or other instrument for the purpose of forging, or of being used for forging, a trade-mark; or

(d.) Applies any false trade description to goods; or

(e.) Disposes of, or has in his possession, any die, block, machine, or other instrument for the purpose of forging a trade-mark; or

(f.) Causes any of the things above in this section mentioned to be done,—

Shall, subject to the provisions of this Ordinance, and unless he proves that he acted without intent to defraud, be guilty of an offence against this Ordinance.

(2.) Every person who sells, or exposes for, or has in his possession for, sale, or any purpose of trade or manufacture, any goods or things to which any forged trade-mark or false trade description is applied, or to which any trade-mark or mark so nearly resembling a trade-mark as to be calculated to deceive is falsely applied, as the case may be, shall, unless he proves—

(a.) That having taken all reasonable precautions against committing an offence against this Ordinance, he had at the time of the commission of the alleged offence no reason to suspect the genuineness of the trade-mark, mark, or trade description; and

(b.) That on demand made by or on behalf of the prosecutor, he gave all the information in his power with respect to the persons from whom he obtained such goods or things; or

(c.) That otherwise he had acted innocently;

Be guilty of an offence against this Ordinance.

(3.) Every person charged with an offence against this Ordinance may be tried by the District Court or Police Court, and shall be liable—

(i.) On conviction by the District Court, to simple or rigorous imprisonment for a term not exceeding two years, or to a fine not exceeding 1,000 rupees, or to both imprisonment and fine; and

(ii.) On summary conviction by the Police Court, to simple or rigorous imprisonment for a term not exceeding three months,

or to a fine not exceeding 100 rupees; and in the case of a second or subsequent conviction to simple or rigorous imprisonment for a term not exceeding six months, or to a fine not exceeding 500 rupees; and

(iii.) In any case to forfeit to Her Majesty every chattel, article, instrument, or thing by means of, or in relation to, which the offence has been committed.

(4.) The Court before whom any person is convicted under this section may order any forfeited articles to be destroyed or otherwise disposed of as the Court thinks fit.

(5.) It shall be lawful for a Police Court, in the case of a second or subsequent summary conviction, to inflict the full amount of fine hereinbefore provided, anything in section 16 of the Criminal Procedure Code, 1883, to the contrary notwithstanding: Provided that a person charged with an offence under this section before a Police Court shall, on appearing before the Court, and before the charge has been gone into, be informed of his right to be tried by the District Court, and if he requires, be so tried accordingly.

4.—(1.) For the purposes of this Ordinance—

The expression “trade-mark” means a trade-mark registered in the Register of Trade-marks kept under “The Trade-marks Ordinance, 1888,” and includes any trade-mark which is registered in the Register of Trade-marks kept under “The Patents, Designs, and Trade-marks Act, 1883,”* (46 & 47 Vict., cap. 57), and any trade-mark which, either with or without registration, is protected by law in any British possession or foreign State to which the provisions of the 103rd section of “The Patents, Designs, and Trade-marks Act, 1883,” are, under Her Majesty’s Order in Council, for the time being applicable:

The expression “trade description” means any description, statement, or other indication, direct or indirect—

(a.) As to the number, quantity, measure, gauge, or weight of any goods; or

(b.) As to the place or country in which any goods were made or produced; or

(c.) As to the mode of manufacturing or producing any goods; or

(d.) As to the material of which any goods are composed, or

(e.) As to any goods being the subject of an existing patent, privilege, or copyright;

And the use of any figure, word, or mark which, according to the custom of the trade, is commonly taken to be an indication of any of the above matters, shall be deemed to be a trade description within the meaning of this Ordinance:

The expression "false trade description" means a trade description which is false in a material respect as regards the goods to which it is applied, and includes every alteration of a trade description, whether by way of addition, effacement, or otherwise, where that alteration makes the description false in a material respect; and the fact that a trade description is a trade-mark, or part of a trade-mark, shall not prevent such trade description being a false trade description within the meaning of this Ordinance :

The expression "goods" means anything which is the subject of trade, manufacture, or merchandize.

The expression "person," "manufacturer, dealer, or trader," and "proprietor" include any body of persons corporate or incorporate.

The expression "name" includes any abbreviation of a name.

(2.) The provisions of this Ordinance respecting the application of a false trade description to goods shall extend to the application to goods of any such figures, words, or marks, or arrangement or combination thereof, whether including a trade-mark or not, as are reasonably calculated to lead persons to believe that the goods are the manufacture and merchandize of some person other than the person whose manufacture or merchandize they really are.

(3.) The provisions of this Ordinance respecting the application of a false trade description of goods, or respecting goods to which a false trade description is applied, shall extend to the application to goods of any false name or initials of a person and to goods with the false name or initials of a person applied, in like manner as if such name or initials were a trade description; and for the purpose of this enactment the expression "false name or initials" means, as applied to any goods, any name or initials of a person which—

(a.) Are not a trade-mark, or part of a trade-mark; and

(b.) Are identical with, or a colourable imitation of, the name or initials of a person carrying on business in connection with goods of the same description, and not having authorized the use of such name or initials; and

(c.) Are either those of a fictitious person or of some person not *bonâ fide* carrying on business in connection with such goods.

(4.) A trade description which denotes or implies that there are contained in any goods to which it is applied more yards, feet, or inches than there are, contained therein, standard yards, standard feet, or standard inches, is a false trade description.

5. A person shall be deemed to forge a trade-mark who either—

(a.) Without the assent of the proprietor of the trade-mark makes the trade-mark or a mark so nearly resembling that trade-mark as to be calculated to deceive; or

(*b.*) Falsifies any genuine trade-mark, whether by alteration, addition, effacement, or otherwise;

And any trade-mark or mark so made or falsified is in this Ordinance referred to as a forged trade-mark.

Provided that in any prosecution for forging a trade-mark the burden of proving the assent of the proprietor shall lie on the defendant.

6.—(1.) A person shall be deemed to apply a trade-mark, or mark, or trade description to goods who—

(*a.*) Applies it to the goods themselves; or

(*b.*) Applies it to any covering, label, reel, or other thing in or with which the goods are sold or exposed, or had in possession for any purpose of sale, trade or manufacture; or

(*c.*) Places, incloses, or annexes any goods which are sold or exposed, or had in possession for any purpose of sale, trade, or manufacture, in, with, or to any covering, label, reel, or other thing to which a trade-mark or trade description has been applied; or

(*d.*) Uses a trade-mark, or mark, or trade description in any manner calculated to lead to the belief that the goods in connection with which it is used are designated or described by that trade-mark, or mark, or trade description.

(2.) The expression “covering” includes any stopper, cask, bottle, vessel, box, cover, capsule, case, frame, or wrapper; and the expression “label” includes any band or ticket.

A trade-mark, or mark, or trade description shall be deemed to be applied whether it is woven, impressed, stamped, branded, or otherwise worked into, or annexed, or affixed to the goods, or to any covering, label, reel, or other thing.

(3.) A person shall be deemed to falsely apply to goods a trade-mark or mark, who, without the assent of the proprietor of a trade-mark, applies such trade-mark, or a mark so nearly resembling it as to be calculated to deceive; but in any prosecution for falsely applying a trade-mark or mark to goods the burden of proving the assent of the proprietor shall lie on the defendant.

7. Where a defendant is charged with making any die, block, machine, or other instrument for the purpose of forging, or being used for forging, a trade-mark, or with falsely applying to goods any trade-mark or any mark so nearly resembling a trade-mark as to be calculated to deceive, or with applying to goods any false trade description, or causing any of the things in this section mentioned to be done, and proves—

(*a.*) That in the ordinary course of his business he is employed, on behalf of other persons, to make dies, blocks, machines, or other instruments for making, or being used in making, trade-marks, or, as the case may be, to apply marks or descriptions to goods, and that in

the case which is the subject of the charge he was so employed by some person resident in this Colony, and was not interested in the goods by way of profit or commission dependent on the sale of such goods ; and

(b.) That he took reasonable precautions against committing the offence charged ; and

(c.) That he had, at the time of the commission of the alleged offence, no reason to suspect the genuineness of the trade-mark, mark, or trade description ; and

(d.) That he gave to the prosecutor all the information in his power with respect to the person on whose behalf the trade-mark, mark, or description was applied,—

He shall be discharged from the prosecution, but shall be liable to pay the costs incurred by the prosecutor, unless he has given due notice to him that he will rely on the above defence.

8. Where a watch-case has thereon any words or marks which constitute, or are by common repute considered as constituting, a description of the country in which the watch was made, and the watch bears no description of the country where it was made, those words or marks shall, *primâ facie*, be deemed to be a description of that country within the meaning of this Ordinance ; and the provisions of this Ordinance with respect to goods to which a false trade description has been applied, and with respect to selling or exposing for, or having in possession for, sale, or any purpose of trade or manufacture, goods with a false trade description, shall apply accordingly ; and for the purposes of this section the expression “ watch ” means all that portion of a watch which is not the watch-case.

9. In any indictment, charge, proceeding, or document in which any trade-mark or forged trade-mark is intended to be mentioned, it shall be sufficient, without further description and without any copy or facsimile, to state that trade-mark or forged trade-mark to be a trade-mark or forged trade-mark.

10. In any prosecution for an offence against this Ordinance—

(1.) A defendant, and his wife or her husband, as the case may be, may, if the defendant thinks fit, be called as a witness, and, if called, shall be sworn and examined, and may be cross-examined and re-examined in like manner as any other witness.

(2.) In the case of imported goods, evidence of the port of shipment shall be *primâ facie* evidence of the place or country in which the goods were made or produced.

11. Any person who, being within this Colony, abets the commission, without this Colony, of any act which, if committed in this Colony, would under this Ordinance be an offence, shall be deemed guilty of that offence, and be liable to be indicted, proceeded

against, tried, and convicted in any district or place in this Colony in which he may be, as if the offence had been there committed.

12.—(1.) Where, upon information of an offence against this Ordinance, a magistrate has issued either a summons requiring the defendant charged by such information to appear to answer to the same, or a warrant for the arrest of such defendant, and either the magistrate on or after issuing the summons or warrant, or any other Magistrate, is satisfied by information on oath that there is reasonable cause to suspect that any goods or things by means of, or in relation to, which such offence has been committed are in any house or premises of the defendant, or otherwise in his possession or under his control, in any place, such Magistrate may issue a warrant under his hand, by virtue of which it shall be lawful for any police officer, or other person named or referred to in the warrant, to enter such house, premises, or place at any reasonable time by day, and to search there for and seize and take away those goods or things; and any goods or things seized under any such warrant shall be brought before a Police Court for the purpose of its being determined whether the same are or are not liable to forfeiture under this Ordinance.

(2.) If the owner of any goods or things which, if the owner thereof had been convicted, would be liable to forfeiture under this Ordinance, is unknown or cannot be found, an information or complaint may be laid for the purpose only of enforcing such forfeiture, and a Police Court may cause notice to be advertised stating that, unless cause is shown to the contrary at the time and place named in the notice, such goods or things will be forfeited, and at such time and place the Court, unless the owner or any person on his behalf, or other person interested in the goods or things, shows sufficient cause to the contrary, may order such goods or things, or any of them, to be forfeited; and every such order shall be subject to appeal.

(3.) Any goods or things forfeited under this section, or under any other provision of this Ordinance, may be destroyed or otherwise disposed of in such manner as the Court by which the same are forfeited may direct; and the Court may, out of any proceeds which may be realized by the disposition of such goods (all trade-marks and trade descriptions being first obliterated), award to any innocent party any loss he may have innocently sustained in dealing with such goods.

13. On any prosecution under this Ordinance the Court may order costs to be paid to the defendant by the prosecutor, or to the prosecutor by the defendant, having regard to the information given by, and the conduct of, the defendant and prosecutor respec-

tively, and the sum so awarded as costs shall be recoverable as if it were a fine.

14. No prosecution for an offence against this Ordinance shall be commenced after the expiration of three years next after the commission of the offence, or one year next after the first discovery thereof by the prosecutor, whichever expiration first happens.

15. Whereas it is expedient to make further provision for prohibiting the importation of goods which, if sold, would be liable to forfeiture under this Ordinance :

Be it therefore enacted as follows :—

(1.) All such goods, and also all goods made or produced beyond the limits of the United Kingdom and this Colony, and having applied thereto any name or trade-mark, being, or purporting to be, or being a colourable imitation of, the name or trade-mark of any manufacturer, dealer, or trader in the United Kingdom or this Colony, unless such name or trade-mark is accompanied by a definite indication, indicated in letters as large and conspicuous as any letter in the name or trade-mark, of the place and country in which the goods were made or produced, are hereby prohibited to be imported into this Colony, and, subject to the provisions of this section, shall be included among goods prohibited to be imported as if they were referred to in section 36 of the Customs Ordinance No. 17 of 1869, and included in Schedule (C) to the Ordinance No. 14 of 1871.

(2.) Before detaining any such goods, or taking any further proceedings with a view to the forfeiture thereof under the Law relating to the Customs, the Collector of Customs, or other officer specially appointed in this behalf by the Governor, may require the regulations under this section, whether as to information, security, conditions, or other matters, to be complied with, and may satisfy himself in accordance with those regulations that the goods are such as are prohibited by this section to be imported.

(3.) The Principal Collector of Customs may from time to time, with the sanction of the Governor in Executive Council, make, revoke, and vary regulations, either general or special, respecting the detention and forfeiture of goods the importation of which is prohibited by this section, and the conditions, if any, to be fulfilled before such detention and forfeiture ; and may by such regulations determine the information, notices, and security to be given, and the evidence requisite for any of the purposes of this section, and the mode of verification of such evidence.

(4.) Where there is on any goods a name which is identical with, or a colourable imitation of, the name of a place in the United Kingdom or this Colony, that name unless accompanied in equally large and conspicuous letters by the name of the country in which

such place is situate, shall be treated for the purposes of this section as if it were the name of a place in the United Kingdom or this Colony.

(5.) Such regulations may apply to all goods the importation of which is prohibited by this section, or different regulations may be made respecting different classes of such goods or of offences in relation to such goods.

(6.) The regulations may provide for the informant reimbursing the Collector of Customs all expenses and damages incurred in respect of any detention made on his information and of any proceedings consequent on such detention.

(7.) All regulations under this section shall be published in the "Government Gazette."

16. On the sale or in the contract for the sale of any goods to which a trade-mark, or mark, or trade description has been applied, the vendor shall be deemed to warrant that the mark is a genuine trade-mark, and not forged or falsely applied, or that the trade description is not a false trade description within the meaning of this Ordinance, unless the contrary is expressed in some writing signed by or on behalf of the vendor and delivered at the time of the sale or contract to, and accepted by, the vendee.

17. Where, at the passing of this Ordinance, a trade description is lawfully and generally applied to goods of a particular class, or manufactured by a particular method, to indicate the particular class or method of manufacture of such goods, the provisions of this Ordinance with respect to false trade descriptions shall not apply to such trade description when so applied: Provided that where such trade description includes the name of a place or country, and is calculated to mislead as to the place or country where the goods to which it is applied were actually made or produced and the goods are not actually made or produced in that place or country, this section shall not apply unless there is added to the trade description, immediately before or after the name of that place or country, in an equally conspicuous manner with that name, the name of the place or country in which the goods were actually made or produced, with a statement that they were made or produced there.

18.—(1.) This Ordinance shall not exempt any person from any action, suit, or other proceeding which might, but for the provisions of this Ordinance, be brought against him.

(2.) Nothing in this Ordinance shall entitle any person to refuse to make a complete discovery, or to answer any question or interrogatory in any action, but such discovery or answer shall not be admissible in evidence against such person in any prosecution for an offence against this Ordinance.

(3.) Nothing in this Ordinance shall be construed so as to render liable to any prosecution or punishment any servant of a master resident in this Colony who *bonâ fide* acts in obedience to the instructions of such master, and, on demand made by or on behalf of the prosecutor, has given full information as to his master.

19. Any person who falsely represents that any goods are made by a person holding a Royal warrant, or for the service of Her Majesty, or any of the Royal Family, or any Government Department, shall be liable, on summary conviction, to a penalty not exceeding 100 rupees.

20. All offences under this Ordinance are hereby declared to be "cognizable" and "bailable," within the meaning of those terms as defined in section 3 of "The Criminal Procedure Code, 1883."

Passed in Council, the 21st day of December, 1888.

A. M. ASHMORE, *Acting Clerk to the Council*.

Assented to by his Excellency the Governor, the 22nd day of December, 1888.

E. NOEL WALKER, *Colonial Secretary*!

*ORDINANCE of the Government of Ceylon, to amend "The Merchandize Marks Ordinance, 1888."**

[No. 14.]

[Assented to, November 2, 1892.]

(L.S.) A. E. HAVELOCK.

WHEREAS it is expedient to amend "The Merchandize Marks Ordinance, 1888," hereinafter referred to as the "Principal Ordinance :

Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows :—

1. After sub-section (2) of section 3 of the Principal Ordinance, and before sub-section (3) of the same section, the following sub-section shall be inserted, and numbered 2 (a), namely :—

"Every person who imports any piece goods, ordinarily sold by length or by the piece, manufactured beyond the limits of the Colony, or who sells, or exposes for, or has in his possession for sale or any purpose of trade, any piece goods ordinarily sold as

aforesaid, whether manufactured within or beyond the limits of the Colony, which have not conspicuously stamped in English numerals on each piece the length thereof in standard yards, or in standard yards and a fraction of such a yard, according to the real length of the piece, shall be guilty of an offence against this Ordinance.

“Provided always that nothing in this sub-section contained shall apply to any piece goods manufactured within the limits of the Colony by hand labour only.”

2. In the twelfth line of sub-section (1) of section 15 of the Principal Ordinance, after the words “or produced” and before the words “are hereby prohibited” shall be inserted the words “and also all piece goods such as are ordinarily sold by the length or by the piece, which have not conspicuously stamped in English numerals on each piece the length thereof in standard yards, or in standard yards and a fraction of such a yard, according to the real length of the piece.”

3. This Ordinance shall come into operation from and after such date as the Governor shall appoint by Proclamation published in the “Government Gazette,” and may be cited as “The Merchandize Marks Ordinance, 1892,” and this Ordinance and the Principal Ordinance may be cited collectively as “The Merchandize Marks Ordinances, 1888 and 1892.”

Passed in Council the 26th day of October, 1892.

H. L. CRAWFORD, *Clerk to the Council.*

Assented to by his Excellency the Governor, the 2nd day of November, 1892.

E. NOEL WALKER, *Colonial Secretary.*

*CORRESPONDENCE respecting the Persian Tobacco
Concession.*—1890–1892.*

No 2.—*Sir H. Drummond Wolff to the Marquess of Salisbury.*—

(Received May 7.)

(Extract.)

Tehran, April 3, 1890.

IN my despatch of the 20th March I informed your Lordship that the Shah had granted to a group, represented by Major Talbot, the Concession of the Tobacco Régie. I inclose a copy of the document.

The negotiations were begun at Paris and Vienna, at which capital, I believe, Major Talbot was encouraged to proceed to

* Extracted from Parliamentary Paper, “Persia, No. 1 (1892).”

Tehran, where the discussion could be carried on more conveniently.

The Concession, or rather the option of the Concession, has been given to Major Talbot for five weeks, as that gentleman was unable to accept it at once owing to some modifications introduced into the draft by the Persian Government.

It will be perceived that this Concession was very much in favour of the cultivator. He is to be paid in cash for his tobacco, and is entitled to advances on his crops.

At present he is obliged to accept all kinds of payments for the produce he sells, and his borrowings can be negotiated only on a very high scale.

The Concession also gives to the Régie the right of making advances on growing crops besides tobacco, which will be a great advantage to cultivators, who are now ground down by the exactions of native usurers.

The Marquess of Salisbury.

H. DRUMMOND WOLFF.

(Inclosure.)—Concession of the Tobacco Régie.

(Translation.)

THE monopoly of buying, selling, and manufacturing all the tootoon and tobacco in the interior or exterior of the Kingdom of Persia is granted to Major Talbot by us for fifty years from the date of the signing of this Concession, in accordance with the following stipulations:—

1. The concessionnaires will have to pay 15,000*l.* per annum to the exalted Imperial Treasury whether they benefit or lose by this business, and this money shall be paid every year, five months after the beginning of the year.

2. In order merely to ascertain the quantities of tootoon and tobacco produced in the protected provinces (of Persia), the concessionnaires will keep a register of the cultivators who wish to work under the conditions of this Concession, and the Persian Government will issue strict orders to the local Governors to compel the cultivators of tobacco and tootoon to furnish such a registration.

Permission for sale, &c., of tootoon, tobacco, cigars, cigarettes, snuff, &c., is the absolute right of the concessionnaires, and no one but the proprietors of this Concession shall have the right to issue the above-mentioned permits.

The Guilds of the sellers of tobacco and tootoon who are engaged in this trade will remain permanent in their local trade

and transactions, on condition of possessing permits which will be given to them by the concessionnaires.

3. After deducting all the expenses appertaining to this business and paying a dividend of 5 per cent. on their own capital to the proprietors of this Concession, one quarter of the remaining profit will yearly be paid to the exalted Imperial Treasury, and the Persian Government will have the right to inspect their (the concessionnaires') yearly books.

4. All the materials necessary for this work which the proprietors of this Concession import into the protected provinces (Persia) will be free of all customs duties, taxes, &c.

5. Removal and transfer of tootoon and tobacco in the protected provinces (of Persia) without the permission of the proprietors of this Concession is prohibited, except as regards such quantities as travellers may have with them for their own daily use.

6. The proprietors of this Concession must purchase all the tootoon and tobacco that are produced in the protected provinces and pay cash for it. They must purchase all the tobacco, &c., fit for use that is now in hand, and the price that is to be given to the owner or the producer will be settled in a friendly manner between the producer or the owner and the proprietors of this Concession; but in case of disagreement between the parties the case will be referred to an Arbitrator accepted by both sides, and the decision of the Arbitrator will be final and will be carried out.

7. The Persian Government engages not to increase the revenues, taxes, and customs that are now levied on tootoon, tobacco, cigars, cigarettes, and snuff for fifty years from the date of the signing of the Concession, and the proprietors also undertake that all the customs that the Persian Government now obtains from tobacco shall be continued as they are.

8. Any person or persons who shall attempt to evade (the rules) of these Articles will be severely punished by the Government, and any person or persons found to be secretly in possession of tobacco, tootoon, &c., for sale or trade, will also be fined and severely punished by the Government. The Government will give its utmost help and support in all the business of the proprietors of this Concession, and the proprietors of this Concession undertake in no way to go beyond their own rights consistent with these Articles.

9. The proprietors of this Concession are permitted, should they wish, to transfer all their rights, concessions, undertakings, &c., to any person or persons, but, prior to this, they must inform the Persian Government.

10. The producer or owner of tootoon and tobacco, whenever

his crop of tobacco and tootoon is gathered, shall at once inform the nearest agent of the proprietors of this Concession of the quantity, in order that the proprietors of this Concession may be able to carry out the engagements in above-mentioned Article 6, and to purchase it quickly.

11. The proprietors of this Concession have no right to purchase lands, except to the necessary extent for store-houses and residences, and what may be necessary to carry out this Concession.

12. The cultivators, in accordance with certain conditions which will be made in conjunction with the Government, are entitled to be given an advance within a certain limit for their crop.

13. If after the lapse of one year from the date of the signing of this Concession a Company to carry it out is not formed, and the work does not begin, this Concession will be null and void, unless war or such like may prevent the formation of a Company.

14. In case of misunderstanding arising between the Persian Government and the proprietors of this Concession, that misunderstanding shall be referred to an Arbitrator accepted by both sides, and in case of the impossibility of consent to the appointment of an Arbitrator, the matter will be referred to the arbitration of one of the Representatives, resident at Tehran, of the Government of the United States, Germany, or Austria, to appoint an Arbitrator, whose decision shall be final.

15. This Concession is exchanged in duplicate with the signature of His Imperial Majesty, registered in the Foreign Ministry, between Major Talbot and the Persian Government, and the Persian text of it is to be recognized.

March 8, 1890 (28 Rajab, 1307).

No. 3.—*Sir H. Drummond Wolff to the Marquess of Salisbury.*—
(Received September 16.)

(Telegraphic.)

Gulhek, September 16, 1890.

A WRITTEN protest has been formally made by M. de Bützow to the Kavam-ud-Dowleh against the Tobacco Régie Concession. The Russian Minister has requested that it be annulled on the grounds that it is opposed to the commerce of the country and is contrary to Treaties.

I should be obliged if your Lordship would kindly cause Major Talbot to be informed of this, and I shall be glad of instructions, although I do not think that the Persians will give way.

No. 16.—Mr. R. J. Kennedy to the Marquess of Salisbury.—

(Received July 1.)

(Extract.)

Gulhek, June 2, 1891.

ON the 26th ultimo I received a telegram from the Legation Agent at Shiraz stating that the Mollahs were refusing to enter the Masjid, and were preventing the people from answering the "Azan," or call to prayer, and that they had expressed their intention of continuing this line of conduct until Mr. Binns, the local Manager of the Tobacco Régie, had been expelled from Shiraz. The Legation Agent also stated that the minor local authorities and the Mollahs appeared to be acting in unison.

A similar report was made to his Chief at Tehran by Mr. Binns, who added that he had twice asked for an audience of the Prince-Governor, but could obtain no satisfactory reply.

M. Ornstein, who was naturally very anxious with regard to the threatening outlook of the Régie affairs, both at Shiraz and Tabreez, informed me that he had spoken to the Amin-es-Sultan, who assured him that all this excitement would in a short time be allayed.

On the 29th ultimo the Legation Agent at Shiraz telegraphed that Mirza Muhammad Ali, Muftahed of Shiraz, had informed him that "either Mr. Binns or the Mollahs would have to leave the country; if not, some awful disturbance would take place. The Muftahed said that doubtless the Corporation would flood the country with Europeans, who would have constant intercourse with the people, and undermine their religion. They refuse to enter the mosques until a satisfactory arrangement has been arrived at. I replied that if they were reasonable and maintained peace, probably the Corporation would appoint Persians or Indians in the sub-districts. This engagement to appoint Persians or Indians in sub-agencies they want under the signature of the Corporation. Matters growing very serious. I hear that there is every likelihood of masses growing unmanageable again."

I communicated this telegram to M. Ornstein, who, with the Amin-es-Sultan's approval, sent a telegram to Mr. Binns for publication at Shiraz, which it is hoped may have a calming effect. I have the honour to inclose copy of it.

I also beg to inclose copy of a despatch from the Acting Consul-General at Tabreez reporting the opposition of the Mollahs of that town to the Tobacco Régie.

All these difficulties are, as your Lordship is aware, only what has always been foreseen, and, although they are no doubt serious, I fully believe that, with the exercise of much tact and patience, they may be gradually overcome.

M. Ornstein informs me that "at Tehran everything connected with the Régie is so far very satisfactory, and that Haji Mehemet

Hassan, the Master of the Mint, has applied for 200 shares, and several other merchants are anxious to become shareholders."

The Marquess of Salisbury.

R. J. KENNEDY.

(Inclosure 1.)—*M. Ornstein to Mr. Binns.*

(Telegraphic.)

Tehran, May 29, 1891.

You should use every endeavour to give greatest publicity to our objects and intentions. You will state that in carrying out the Concession granted by His Imperial Majesty the Shah it has never been our intention to deprive the people of their bread, but, on the contrary, to employ and otherwise interest them in our undertaking to the largest possible extent. The large capital of the Corporation is being brought into the country, whose resources will necessarily be increased by that considerable amount. It is all destined to go to that most numerous and deserving class of the population, the cultivator, who is to be paid in cash for his produce, which he has hitherto been obliged to sell on long credits. The consumers will also have every reason to be satisfied, as they will be able to purchase their tumbaku and tootoon at the same, if not at inferior prices as hitherto, with that additional guarantee, however, that there will be fixity in weight and quality.

The native retailers and merchants, again, will also receive satisfaction, as it is the intention of the Corporation to utilize them for the local sales all over the country by paying them liberal commissions for their trouble. It should be clearly understood that, in order to set this huge machinery in motion, the Corporation will have to give employment to hundreds of clerks and workmen, which it is their intention to recruit among the natives of all classes, leaving to a very limited number of Europeans only, not more than thirty in all, the task of directing and managing an administration which, being an innovation in this country, would infallibly come to grief were it confided to inexperienced hands.

It is therefore to be regretted that such a highly respected body as the Mollahs, who, after all, are not directly interested in either cultivation or commerce, should have been so misinformed as to imagine that the Corporation was going to flood the country with Europeans, or that it would permit any interference with the religious views of the people when it is notorious that Englishmen everywhere respect the religion of Islam.

A Persian translation of above is being telegraphed to you.

(Inclosure 2.)—*Acting Consul-General Paton to Mr. R. J. Kennedy.*

SIR, *Tabreez, May 23, 1891.*

I HAVE the honour to report that I have heard that some days ago two Mollahs called on the Armenian Archbishop here and endeavoured to coerce him into urging the Armenians to stand out against the Tobacco Régie, their demand being founded on the fact that the Armenians are Persian subjects like the Mussulmans, and, as such, are bound to support them. They assured the Archbishop if he did not promise to do as they asked he would be waited upon by some other Mollahs who would urge it more strongly.

The Archbishop, I understand, made no promise, but reported the matter verbally to the Amir-i-Nizam, who requested him to put his statement in writing, so that he might forward it to Tehran. You will no doubt, therefore, be able to satisfy yourself as to the truth of this report.

I have, &c.

R. J. Kennedy, Esq.

R. M. PATON.

*No. 17.—Mr. R. J. Kennedy to the Marquess of Salisbury.—
(Received August 17.)*

(Telegraphic.)

Gulhek, August 17, 1891.

As this is the religious month of Moharrem, the Europeans at Tabreez fear lest the opposition to the Tobacco Concession, which has increased considerably during the last few days, may lead to a fanatical outbreak. Their alarm is exaggerated apparently, and the day on which the climax of religious excitement is reached, namely, the anniversary of the Imam Husein's death, has passed and no incident taken place; but at the request of the Tabreez Government the Christian population kept as much as possible out of the way temporarily, and the tobacco offices were during the period of religious excitement closed by the advice of the Amin-es-Sultan.

A Petition has been sent to the Shah by the Mollahs, who preach against the Tobacco Concession, in which they pray that it may be abolished.

*No. 18.—Mr. R. J. Kennedy to the Marquess of Salisbury.—
(Received August 27.)*

(Extract.)

Gulhek, July 27, 1891.

I HAVE the honour to inclose translation of an anonymous placard which has been posted up in Tabreez in reply to a Notice recently issued by the Persian Tobacco Corporation.

This placard was at once torn down by the local authorities.

The Russian Minister here has informed Russian subjects and protected subjects at Shiraz that they are at liberty to disregard the existence of the Tobacco Régie, and to purchase and sell tobacco without let or hindrance.

The Marquess of Salisbury.

R. J. KENNEDY.

(Inclosure.)—Notice in reply to the Notice issued by the Europeans.

(Translation.)

ULEMAS of the town! Law is the law of religion, and not the laws of the Europeans!

Woe to those Ulemas who will not co-operate with the nation! Woe to those who will not spend their lives and property! Any one of the Ulemas who will not agree with the people will lose his life. Woe to any one who may sell one muskâl of tobacco to the Europeans! Woe to the Europeans who may wish to enforce these customs of the infidels! We will kill the Europeans first, and then plunder their property! Woe to the Armenians, who will be killed, and will lose their property and their families! Woe to those who will keep quiet!

We write this in answer to the Notice.

Curses on the father of any one who may destroy this Notice!

*No. 30.—Mr. R. J. Kennedy to the Marquess of Salisbury.—
(Received October 7.)*

(Telegraphic.)

Gulhek, October 7, 1891.

In conversation yesterday with the Amin-es-Sultan on the subject of the Tobacco Régie, his Highness observed that there were many difficulties, and even dangers, attending its establishment in this country, and that no sooner are they overcome in one quarter than they break out in another.

His Highness suggested that it might be possible to arrange in a friendly way that the Régie should be abolished, and that the Company should be compensated both pecuniarily and otherwise; "for," continued the Amin-es-Sultan, "it cannot be to the interest of Her Majesty's Government that one commercial enterprise should be supported at the expense of others, and of the friendly political relations existing between England and Persia."

I replied that Her Majesty's Government did not wish to force commercial enterprises upon the Shah and the Persian nation against their will; but that I feared the abolition of the Régie

would raise great difficulties. Heavy pecuniary compensation would certainly be demanded by the Company; and as the latter had been formed for the purpose of working the Tobacco Concession, it was in the highest degree improbable that the shareholders would accept a totally different Concession in its place. I also expressed an opinion that, as all these difficulties had been fully anticipated from the beginning, it was too soon to despair of the ultimate success of the Régie.

Amin-es-Sultan disclaimed any intention of putting forward a formal proposal. He was merely giving utterance to his own personal views. Both the Shah and he himself would continue to support the Régie to the utmost of their ability; but he wished us to realize that possibly the question of the abolition of the Régie might arise.

To this I replied that, in order that Sir F. Lascelles might be in possession of your Lordship's views before he left England, I would telegraph fully to your Lordship.

Amin-es-Sultan remarked that, in his opinion, the agents of the Régie were unduly anxious to make immediate profits; and they should therefore be made to understand that for two or three years the undertaking cannot be a commercial success.

This is a view which I have constantly pressed upon M. Ornstein, who is always ready to listen to the advice of the Legation. His agents, who, with one or two exceptions, are not, unfortunately, the class of men successfully to perform the delicate task intrusted to them, should be told to moderate their zeal, and to connive with equanimity at the neglect of, and even violations of, the Company's rights.

Although M. Ornstein has spared himself no pains to establish an excellent organization, his labours cannot produce much result for a considerable time.

*No. 34.—Mr. R. J. Kennedy to the Marquess of Salisbury.—
(Received October 16.)*

(Extract.)

Gulhek, September 19, 1891.

I HAVE the honour to report that recently the Ulemas of Ispahan, and especially the notorious Aga Nedjefy and his brother, preached in the mosques against the Tobacco Régie.

At the same time the tobacco merchants of Ispahan, encouraged by the example of those of Azerbaijan, got up a Petition against the Régie which they presented to the Zil-us-Sultan through the Imam Juma.

The Marquess of Salisbury.

R. J. KENNEDY.

No. 40.—Sir F. Lascelles to the Marquess of Salisbury.—(Received December 12.)

(Telegraphic.)

Tehran, December 12, 1891.

THE Mollahs have been for some time past raising an agitation against the Tobacco Régie. They declare that it is against religious law that any one should be compelled to sell to any particular person, and that this monopoly renders tobacco "unclean." A great deal of discontent exists at Tehran, and for the last week smoking has been given up altogether in the capital. In spite of all the efforts of the Ministers, who both yesterday and to-day held meetings with the Mollahs, the latter maintain their objections. The Amin-es-Sultan informed me this afternoon that the position had become very serious.

✓ His Highness, in view of these circumstances, suggested to me that the monopoly should be abandoned so far as the internal consumption of tobacco is concerned, but the monopoly of exportation should be maintained, and an increased tax might be levied upon tobacco as compensation to the Company. The situation had
 ✓ become critical, and might terminate disastrously for the Company, and his Highness could make no better suggestion than the above. He would regard it as a great misfortune for the country if the Company were forced to leave Persia, and he was convinced that they can secure the greater part of the tobacco grown in Persia.

In assuring the Amin-es-Sultan that I should at once telegraph to your Lordship, I asked whether he is certain that matters would go smoothly if the Company agree to his proposal. He answered in the affirmative, and said that both from the Mollahs and the tobacco merchants he had received the fullest assurances that all their opposition to the Company would cease were the home monopoly given up.

No. 41.—Sir F. Lascelles to the Marquess of Salisbury.—(Received December 15.)

(Telegraphic.)

Tehran, December 15, 1891.

I WAS informed last night by Amin-es-Sultan that he is most anxious to get as soon as possible an answer to the proposals which he made with regard to the Tobacco Corporation, and which I forwarded to your Lordship in my telegram of the 12th instant.

He said it was most important to calm an agitation in the town, which, if allowed to continue, might become dangerous, and that the Mollahs should be induced to withdraw their prohibition against

the use of tobacco. This could only be done by announcing that it had been determined to abandon the internal tobacco monopoly.

I told his Highness that it was practically impossible that a reply should already have come. The Board must first be convoked, and then there might be some delay, and I asked his Highness whether his immediate object would not be gained if your Lordship informed me that you would urge the Board to accept the proposals, and that Her Majesty's Government would not be prepared to give them their support should they insist on the retention of their monopoly.

The Amin was afraid that the Board might insist on their monopoly being maintained, once the present excitement had calmed down, unless they themselves agreed to the proposals.

The Mollahs might accuse him of bad faith if he induced them to withdraw their prohibition before the abandonment of the monopoly.

I said I thought that some discussion would probably take place as to the form and amount of compensation, and asked whether it would be sufficient if the Board accepted his proposals in principle, and left for further negotiation the details of the Agreement.

The Amin replied that all opposition to the Company would at once disappear if the principle of the abandonment of the internal monopoly were accepted, and he was convinced that the Company would be able to obtain a practical monopoly in a few years at most.

Be this as it may, the Company are evidently unable to carry on their business under the present circumstances, and there is a danger that matters may be made worse by any delay in the settlement of the question.

For this reason I venture to ask that your Lordship will furnish me with your instructions as to the language I should hold in case the Board should be unable to accept immediately and in principle his Highness' proposals.

No. 42.—The Marquess of Salisbury to Sir F. Lascelles.

(Telegraphic.)

Foreign Office, December 15, 1891.

I HAVE received your telegram of to-day on the subject of the Tobacco Régie.

The Company's representatives in Persia have, we understand, been instructed to negotiate. You should afford them such unofficial support as seems to you to be proper, and give them the benefit of your advice.

No. 47.—Sir F. Lascelles to the Marquess of Salisbury.—(Received December 19.)

(Telegraphic.)

Tehran, December 19, 1891.

YESTERDAY the Amin-es-Sultan announced at a meeting of Mollahs that the tobacco monopoly has been abolished, and his Highness requested a withdrawal of the interdiction against smoking. The Mollahs asked questions about the external monopoly, and spoke against all European enterprise.

The result of this meeting was that the Mollahs decided to inform the Mujtehed of Samara that the Shah had summoned them to a meeting for the purpose of ascertaining whether he (the Mujtehed of Samara) had declared tobacco unlawful, and that, on His Majesty receiving a reply in the affirmative, the monopoly had been abolished. The Mollahs also suggested to the Mujtehed of Samara that he should thank the Shah. The interdiction against smoking will not, I understand, be removed until a reply has been received from Samara.

Amin-es-Sultan has informed me that he considers the affair at an end, and that he has telegraphed to the Provincial Governors, informing them that the tobacco monopoly is abolished.

As, however, the Samara Mujtehed has disapproved of the various Concessions granted to Europeans, it is possible that the Mollahs who have shown their power may make further demands.

Although I am reluctant to attach too much importance to the rumours which are current just now, it cannot be denied that the present situation is grave. The people evidently follow the Mollahs, and the Government has had to yield. No disturbances, however, have taken place.

No. 49.—Sir F. Lascelles to the Marquess of Salisbury.—(Received December 27.)

(Telegraphic.)

Tehran, December 27, 1891.

THE authorities have decided to issue a Proclamation announcing that the Régie has been abolished, the police at the police-stations are to be replaced by soldiers, and the town is to be patrolled by troops.

His Highness said that these military measures are not really necessary, and have only been taken in order to reassure the Europeans, as the warning which has been addressed to the Naïb-es-Sultaneh and the Proclamation will be sufficient to put a stop to the agitation.

No. 50.—Sir F. Lascelles to the Marquess of Salisbury.—(Received December 27.)

(Telegraphic.)

Tehran, December 27, 1891.

WITH reference to my telegram of this day's date, I had a lengthy audience to-day, at which I spoke to the Shah on the situation.

I said that the agitation appeared to me to be due to three causes: the jealousy with which the Amin-es-Sultan's position was regarded, the discontent of the people, and the ambition of the Mollahs, to which might be added foreign opposition.

I said that His Majesty would allow that England had shown an amicable disposition as regards the abolition of the Tobacco Régie, and that it certainly was important that the Company should receive compensation for the withdrawal of their privileges. The most important question, however, was to find some way of calming the present agitation and of allaying the alarm excited among the European population by the placards which had been posted up in the town.

His Majesty replied that the new Police Regulations, as well as the Proclamation which had been issued to-day, would have the wished-for result, though smoking would not, perhaps, be resumed until the High Priest's answer had been received from Kerbela.

I repeated the foregoing to the Amin, and was gratified to be able to tell him that there was no truth in the reports which had reached the Shah concerning M. Ornstein's actions. That gentleman had declared to me that he had practically ceased all operations for the moment, and had dismissed a large number of his subordinates.

No. 65.—Sir F. Lascelles to the Marquess of Salisbury.—(Received February 12.)

MY LORD,

Tehran, January 14, 1892.

SINCE the departure of the last messenger on the 24th ultimo I have endeavoured to keep your Lordship informed, by telegraph, of the leading features of the events which have occurred in Tehran since that date, and I have now the honour to report some further details which I did not feel justified in including in my already too lengthy telegrams.

Matters came to a climax on the 4th instant, when the shops in the bazaars were closed and considerable agitation prevailed in the town. A surging crowd collected and moved towards the Palace. It is not clear whether the intention of the leaders of the crowd

was to make a demonstration in front of the Palace, or, as is now reported, to proceed to the Amin-es-Sultan's house to pillage it. But the gates leading to the square through which they had to pass were closed, and the crowd overflowed into the precincts of the Palace, some of the entrances to which had been left open.

The Naïb-es-Sultaneh, the Shah's son, who is the Minister of War and the Governor of the town, was sent by His Majesty to calm the people, but his appearance had the opposite effect, and he was himself threatened and insulted.

It is doubtful whether the Naïb-es-Sultaneh himself gave the order to fire, but it appears that the only troops who used their arms were his personal adherents. About fifty shots were fired, and the crowd, who apparently did not expect any active opposition, withdrew, taking with them the corpses of some of those who had fallen, the number of whom appears now to be considerably larger than was at first stated, and I am informed that at least ten persons were killed.

These events took place before noon.

On the following morning the Mirza Nizam called upon me by the Amin-es-Sultan's directions, to inform me of the negotiations which had taken place with Mirza Hassan, Ashtiani, the leading Mollah, and to urge me to persuade M. Ornstein to issue the Notice to which I referred in my telegram of the 5th instant.

I at once sent for M. Ornstein, and after a lengthy discussion, which, with its further developments, will form the subject of another despatch, induced him to agree to issue the Notice.

During this interview I had occasion to send a note to the Amin-es-Sultan, which I desired my messenger to deliver to his Highness himself. On arriving at the Palace my messenger was told that he could not see his Highness, and was asked to give up the letter, which should be delivered to his Highness. This my messenger very properly declined to do, and brought the letter back to the Legation. I therefore, on the suggestion of General Gordon, determined to go myself to the Palace and to ask for an interview with his Highness.

General Gordon and Mr. Churchill accompanied me to the Palace, and the scene was highly interesting and picturesque. The spacious courts of the Palace were crowded with every sort and condition of men. The ordinary soldiers, the Shah's own guard, the dignitaries of the Court who had been summoned to the Palace, and the Ministers in a body, were all to be seen. The Amin-es-Sultan came into one of the courts to meet me, and took me to a private room.

Since then the agitation in the town has gradually subsided, and on the 7th instant the Shah, who had remained in his Palace since

the 4th instant, drove out into the country accompanied by a very large escort, which was estimated at 200 men.

The events which I have endeavoured to describe created considerable alarm among the European colony, several of whom took refuge in the different Legations on the 4th instant, and subsequently some of my colleagues deemed it right to hold a meeting, at which I was present, to consult as to the best means of defence in case of an attack being made on the Europeans. I am happy to say that no decision was arrived at, and I am bound to say that I have failed to detect any symptom of an intention to attack the foreign residents in Tehran. I have only heard of one case in which a European was insulted in the bazaars, but I am told that he was in a state of intoxication, and was immediately taken under the protection of a passing Seyyed.

I have, &c.,

The Marquess of Salisbury.

FRANK C. LASCELLES.

*No. 83.—Imperial Tobacco Corporation of Persia to Foreign Office.—
(Received February 29.)*

SIR, 25, *Austin Friars, London, February 28, 1892.*

It is known to you that the monopoly of buying, selling, and manufacturing all the tootoon and tobacco in the interior and exterior of the Kingdom of Persia granted by His Majesty the Shah to Major Talbot for fifty years from the 9th March, 1890, and duly transferred to the above-named Corporation, has recently been cancelled by the Persian Government under promise of compensation. It is further known to you that upon this latter subject that Government have put forward a suggestion which the Directors do not feel justified in placing before the shareholders owing to its inadequacy, having regard to the circumstances under which the Concession was granted, and to those under which the monopoly it conferred was withdrawn.

In order to make my meaning clear I must recapitulate those circumstances. The tobacco monopoly was granted to Major Talbot by the Shah in the capital of his dominions after long deliberation, with such assent as he needed from his own Ministers, and with the knowledge and approval of Her Majesty's Representative in Persia. Major Talbot disposed of it to an Association of Englishmen, entitled "The Eastern Concessions Syndicate (Limited)." Of this Association the Corporation purchased it for the sum of 300,000*l.*, payable nominally in cash, but virtually and by agreement in shares to the maximum amount of a total capital which the rules of the Stock Exchange permit to be allotted to a vendor, viz.,

one-third, or in this case 217,000*l.* in round numbers, reducing the actual cash payment to 83,000*l.* Out of this the Syndicate paid the whole of the Corporation's preliminary expenses up to the allotment of shares, and these were no doubt unusually heavy owing to compliance with a wish expressed by the Shah that the issue should be international, that is to say, that the prospectus should be issued and the capital applied for simultaneously in London and in various other European capitals. I am informed that out of this cash there was paid, in addition, an underwriting commission of $6\frac{1}{2}$ per cent. *pro ratâ* to those who made themselves, or who directly influenced others to make themselves, responsible for the capital required to work the Concession, but with this last transaction the Corporation itself had no concern.

The Agreement embodying the above-mentioned conditions of purchase on the one hand, and sale on the other, was dated the 3rd November, 1890, but it contained a further important stipulation the effect of which was that the Corporation were to pay nothing, either in the shape of cash or delivery of shares, until the Shah, in the face of his own people and of all others whom the proceeding might concern, had openly and conspicuously ratified, for the benefit of the Corporation, the engagements previously entered into with Major Talbot.

This ratification was officially proclaimed on the 28th February, 1891, and confirmed by the issue of Edicts from the Shah notifying to his people that the Corporation had commenced business, and commanding them to respect the privileges he had granted. When the text of those Edicts and Proclamations had been received and examined in England, and it was clear that their issue had given rise to no popular disturbance, the purchase of the Concession was proceeded with, and the work of organization, commenced meanwhile, was actively prosecuted. It will readily be understood that in a country like Persia, where distances are so great and means of communication so imperfect, the difficulty of effectual organization is only exceeded by its cost.

A large staff of Europeans had to be secured on terms very onerous to the Company, for no one with a character for ability and integrity will take up any post in Persia without a long engagement, involving heavy penalties in case of rupture, and the scale of expenditure was aggravated by the Board's desire to comply with the advice emphatically impressed upon them by the Persian authorities to carry out their initial transactions on a scale of liberality calculated to conciliate all classes of the community. This advice, which, assuming the continuance of the business, was deemed to be good advice, the Board ungrudgingly followed, to the no small advantage of the Persian nation; but as soon as a hand was

outstretched to gather in the fruits of this liberality, the Persian priesthood, who from May to December must have been perfectly acquainted with the Company's objects, suddenly discovered the unrighteousness of monopoly, while the Government simultaneously discovered its inability to cope with sacerdotal opposition. Thus the Régie, the prospects of which seemed brilliant in the early days of December 1891, was practically extinguished before the year had closed, and finally abolished a few days after—abolished without any serious attempt on the part of the Shah to act up to his engagements, but abolished under promise of compensation.

During the rapid march of events which led up to this climax an important episode occurred. As soon as the General Manager realized that the Persian Government had no intention of exhibiting the firmness indispensable for the maintenance of the Régie, he telegraphed to the Board for permission to negotiate the terms of compensation upon the basis put forward by the Persian Government, viz., that of the loss involved by abolition. The reply of the Board was that he might negotiate upon that basis, but that all the rights of the Company were to be kept open pending the issue of the negotiations. The Persian Government, however, for their own protection apparently importuned the General Manager himself to announce the abolition of the Régie. The General Manager refused, stating that his instructions were definite, and that nothing short of force would induce him to depart from them, and to this attitude he adhered until urgent representations were made to him by Her Majesty's Representative at Tehran that perseverance in it would endanger all other European institutions in Persia, and even the lives of the European colony.

The General Manager, feeling that such representations from such a source would justify him in the eyes of the Board, then yielded. He issued a document admitting that the monopoly was abolished, and stating that the merchants from whom he had bought tobacco might have it restored to them on refunding the purchase-money. It is not clear why this proviso was couched in a permissive form. It seems to the Board that the General Manager would naturally have availed himself of the situation to obtain an undertaking from the Persian Government that the tobacco should be taken back and the money refunded, and the inference they draw is that Sir F. Lascelles represented the situation as too critical either for parley or for compromise. The General Manager, moreover, may have felt the more entitled to waive the point at that particular moment because the Persian Government had promised compensation on a basis which he deemed satisfactory, viz., upon the basis of the profits which would have been made if the business had been continued under the terms

of the Concession. A claim for indemnity founded upon this basis was forthwith prepared and furnished.

To this the Persian Government objected, attempting, in the first instance, to shelter themselves under the pretext of *force majeure*, but as this qualifying adjective in its comparative degree was clearly inapplicable to force with which no other had been brought into competition, the General Manager very properly refused to receive any official document containing that expression. The Persian Government then pleaded "extraordinary events" as a reason exempting them from liability for the profits which the Company has lost, disregarding the fact that these "extraordinary events" were not due to any failure of the Company to carry out its engagements, but were, on the contrary, the direct and natural consequence of that Government's vacillation and duplicity.

The Board, however, appreciating the difficulties of the situation, and prepared to make sacrifices in furtherance of a speedy settlement, formulated without prejudice, the following proposal of indemnity:—

"That the Persian Government should restore in a lump sum the 650,000*l.* invested in the undertaking, with interest during the period of investment, and should pay such further sum as may be necessary to provide reasonable compensation for displaced officials, taking in exchange all the assets of the Company."

The Persian Government have replied with an offer to pay 300,000*l.* in cash for the satisfaction of all claims, leaving to the Company the responsibility of realizing its own assets, and holding out a vague promise of assistance to them in the liquidation of tobacco stocks.

Seeing that the above-mentioned sum in cash and the assets together would obviously not amount to the bare principal of the sum engaged in the undertaking, the Persian Government in making this offer have for the first time receded from the position of offering compensation on any basis, and reveal the desire to make their liability the subject of a composition with the victims of their faltering purpose. The sum of 300,000*l.* being equal to no more than the portion of the Company's capital invested in the purchase of the Concession, and invested, I may add, with the full knowledge of the Persian Government, to whom every detail of the transaction was submitted before they transferred the Concession to the Company, necessarily fails to provide for the large sum expended on organization, for the lesser but still important sum which a long-drawn liquidation would absorb, for the item of interest during investment, and for that of reasonable compensation to officials displaced by no fault of their own; but even if an advance upon the offer were made sufficient to satisfy the

above-mentioned exigencies, the sum total required could not be obtained so long as the Persian Government persist in their proviso that upon the Company shall be thrown the responsibility of realizing the assets in Persia. Any one as familiar as yourself with the difference in commercial value between that which is sold to an exceptionally willing purchaser and the same thing resold under conditions of adversity and pressure will readily understand that the action of the Persian Government has enormously depreciated the value of the Company's assets, nor could anything short of the direct and peremptory influence which that Government would only exert if it had a pecuniary interest in the matter avail to replace the shrinkage in that value. Hence the offer of the Persian Government as it stands is clearly inadequate, and does not amount to compensation in any sense of that term; and having regard to the circumstances herein stated, the Board confidently appeal to Her Majesty's Government either to obtain for the Corporation an adequate offer, or else to insist upon the immediate execution of that clause in the Concession which defines arbitration as the course to be adopted in case of dispute, and provides the method of appointing an Arbitrator whose decision shall be final.

I am informed that a question has been raised as to the necessity of compensation being given to the full extent of the Corporation's capital, owing to a suggestion that part of that capital consists of shares given away to Persians in order to conciliate their support to the undertaking. The suggestion is unfounded. With the exception of 2,600 founders' shares of 1*l.* each, forming part of the 300,000*l.* paid to the Syndicate as value for the Concession, every share of which the capital consisted was applied for in due form, with a deposit of 10*s.* on application, and but for a percentage of arrears not at all exceptional in the collection of so large a capital, all the succeeding instalments have been paid in due course.

I am, &c.,

Sir P. Currie.

ROBT. W. GROSVENOR, *Chairman.*

No. 86.—The Marquess of Salisbury to Sir F. Lascelles.

(Telegraphic.)

Foreign Office, March 3, 1892.

As Persian Government have not come to terms with the Tobacco Corporation, we must accede to the Company's application for official support to their appeal to arbitration which I have received in reply to your telegrams of the 26th ultimo.

The Concession was cancelled by the Shah for reasons not connected with any default or act of the Company, and under promise of compensation. The Company's Agent, at solicitation of the

Persian Government, published a Notice which materially aided in preventing the spread of disturbances. -

You should concert arrangements with M. Ornstein and the Amin-es-Sultan for the nomination of an Arbitrator under the terms of the Concession.

No. 87.—Sir F. Lascelles to the Marquess of Salisbury.—(Received March 5.)

(Telegraphic.)

Tehran, March 5, 1892.

I HAVE the honour to inform your Lordship that the substance of your telegram of the 3rd instant has been communicated by me to the Amin-es-Sultan, who will submit it to the Shah.

I have asked M. Ornstein, at his Highness' request, to furnish me with a Memorandum stating the value of the Company's assets, so it is not improbable that the Persian Government may intend making some further proposal.

Therefore I told the Amin-es-Sultan that though I was compelled by the instructions which I had just communicated to him to ask his Government to make arrangements for nominating an Arbitrator, I should always be willing to submit to your Lordship any suggestions from his Highness.

No. 89.—Sir F. Lascelles to the Marquess of Salisbury.—(Received March 6.)

(Telegraphic.)

Tehran, March 6, 1892.

THE Shah has received a telegram from the Persian Minister in London reporting a conversation with your Lordship. His Majesty has instructed him to inform your Lordship that the Persian Government now offer to the Tobacco Corporation compensation to the amount of 350,000*l.*, the money to be paid in ten yearly instalments, with interest at the rate of 5 per cent. Should this system of payment be declined, the Persian Government would pay the amount in a lump sum, but in that case they would be obliged to borrow it.

This offer has been repeated to me by the Amin-es-Sultan, with the addition that the Persian Government will be prepared to take over for a further sum of 150,000*l.* the Company's assets, exclusive of the cash, and his Highness hopes that the Company will see their way to accept this total of 500,000*l.*, in ten yearly instalments, with 5 per cent. interest on that portion which remains unpaid.

The Persian Government would have to apply to the Bank for a loan should the Company insist upon being paid in a lump sum, and this might cause serious embarrassment. His Highness hopes,

therefore, that your Lordship will recommend the acceptance of the proposal to pay by instalments to the Company.

The Amin has had, he says, the greatest difficulty in getting the consent of His Majesty and the Council to this proposal, which represents the extreme limits of Persia's financial capabilities. He added that he earnestly hopes your Lordship may be able to persuade the Company to accept the above offer, which has been made, in the sense of the advice given by your Lordship, with the object of retaining the friendship of England towards Persia, and of maintaining her credit.

Should this attempt to settle the question amicably fail, the Amin-es-Sultan will be compelled to withdraw from the negotiations, and request the Shah to place the matter in the hands of some one else.

No. 100.—Sir F. Lascelles to the Marquess of Salisbury.—(Received March 13.)

(Telegraphic.)

Tehran, March 13, 1892.

IN his note, to which I referred in my previous telegram of to-day, the Amin-es-Sultan states that the following are the conditions on which the Persian Government will pay 500,000*l.* in satisfaction of the Company's claims:—

In the first place, the Corporation are to hand over their assets, valued at 179,000*l.*, and consisting of machinery, house, furniture, &c., and all kinds of tobacco which they possess in the country. Of this sum, 40,000*l.*, representing the worth of tobacco fit for export, will be left to them, and the remaining 139,000*l.* go to the Government.

The Company shall, in the second place, hand over to the Persian Government shares to the amount of 15,000*l.*, to be given to Major Talbot to meet the revenue received from him this year.

The note makes no mention of the Company's cash assets, and the sums above mentioned were furnished by M. Ornstein to me, and communicated confidentially to the Amin as representing the approximate value of their stock.

I shall see his Highness to-morrow, and shall tell him that I think a solution would have been easier if he had mentioned the cash assets and had omitted the approximate values.

No. 106.—*The Marquess of Salisbury to Sir F. Lascelles.*

(Telegraphic.)

Foreign Office, March 17, 1892.

TOBACCO Concession.

I have received your telegrams of the 13th and 15th instant.

The Chairman of the Corporation concurs in your views.

So soon as the 500,000*l.* shall have been placed in safe hands, the Corporation will produce proof that they have expended, in acquiring and dealing with the assets which they are to hand over to the Persian Government, the sum of 139,000*l.*

No. 111.—*The Marquess of Salisbury to Sir F. Lascelles.*

(Telegraphic.)

Foreign Office, March 22, 1892.

I HAVE received your telegram of the 20th instant.

The terms on which the Tobacco Corporation will agree to close the question are as follows:—

500,000*l.* to be lodged by the Persian Government within twenty-one days to your order at the Imperial Bank of Persia in London. Proof will thereupon be furnished by the Corporation to a person named by you and the Persian Government, such as, for instance, the Manager of the Persian Bank at Tehran, that 139,000*l.* has been spent by the Corporation on the assets which the Persian Government is to receive from them. The certificate which the referee will give is to be considered as final, and if any deficit in the above-named amount be discovered, it is to be repaid to the Persian Government at once. The remaining clauses are to stand in the form which has been suggested by M. Ornstein and reported by you.

I have caused the Chairman to be informed that I am not prepared to direct you to take any personal part in the verification of the amount expended on the Corporation's assets.

No. 145.—*Sir F. Lascelles to the Marquess of Salisbury.*—(Received May 7.)

MY LORD,

Tehran, April 9, 1892.

IN my telegram of the 5th instant I had the honour to report to your Lordship that the Amin-es-Sultan had returned to me the Agreement with regard to the abolition of the Tobacco Corporation, with the insertion that the four months are to count from the 1st day of the month of Ramazan, corresponding with the 30th March.

I have now the honour to inclose a translation of the note in which his Highness forwarded the Agreement, and also a copy of my reply to his Highness, in which I inclosed a duplicate copy of the Persian Agreement, together with a translation in English, which, in accordance with the authority conveyed to me in your Lordship's telegram of the 4th instant, I had approved and signed.

I have, &c.,

The Marquess of Salisbury.

FRANK C. LASCELLES.

(*Inclosure 1.*)—*The Amin-es-Sultan to Sir F. Lascelles.*

(Translation.)

FOR the settlement and abolition of the business of the Tobacco Régie Corporation of Persia, in accordance with discussions which, with the assistance of the friendly feelings of that Excellency and the English Government, have ended with definitive result, and the draft of the principles of the Agreement, of which were approved verbally by both parties, herewith, a sheet containing the six stipulations of the Principle-Agreement, which will be seen by that Excellency inclosed in this missive, has been signed and sent, and in accordance with verbal discussions and arrangements it is expected that a duplicate copy thereof, having that Excellency's seal and approval, will the sooner be sent to his friend and the matter be settled and established between the two Governments of Persia and England according to these principles, so that the Representatives of his friend's exalted Government hand over to the Company, through that Excellency, the money agreed upon, which they are occupied in borrowing from abroad, and obtain and receive, through that Excellency's good offices, a bond for the cessation and abolition of the Régie, together with the original signed Agreement, which is now void, and which must be returned.

On this occasion renews his sincere respects, and also thanks that Excellency for his friendly well-wishing action in settling this matter.

The 5th of the month of Ramazan, the auspicious year 1309.

(In the Shah's autograph): It is approved.

(*Inclosure 2.*)—*Agreement for the Abolition and Termination of the Undertaking of the Tumbaku Monopoly.*

(Translation.)

1. THE exalted Government of Persia shall, within four months from the 1st of Ramazan, pay to the Tobacco Corporation of Persia the sum of 500,000*l.* against all its claims on account of cancelling

the aforesaid undertaking. (The aforesaid sum shall be paid in London in pounds sterling.)

2. Besides the aforesaid sum, whatever cash assets the Company may possess in the Company's chests, at the Bank, or its Sarrafs, such as bills, bonds, ready cash, and money orders, shall belong to the Company itself, as well as the tumbaku which has been purchased for the exterior, with its necessary packing material, existing at the Agencies at Tabreez, Nashan, Ispahan, Shiraz, or belongs to the Company and is its property.

3. After payment of the aforesaid 500,000*l.*, the Company shall hand over to the Representatives of the Persian Government the whole of its remaining property, such as tumbaku for the interior, the garden and house known as the Ilkhani, situated at Tehran, the furniture and effects existing at Tehran and other agencies of the Company, and the machinery and the necessaries for the manufacture of tootoon and tumbaku; and the Company engages to prove to a person to be appointed to the satisfaction of the Persian Government and the British Minister Plenipotentiary that the property handed over to the Persian Government has cost the Company 139,000*l.*; the approval of that person shall be final, and the deficiency shall be immediately paid to the Persian Government in cash.

4. The agents of the Corporation shall submit to the Representatives of the Persian Government statements of the quantities and qualities of tumbaku at their agencies, and the exterior and interior tumbaku shall be separated in that statement, and separate statements of both kinds shall be submitted, and inventories of all the Company's property, such as furniture, machinery, and the necessaries for the manufacture of tumbaku and its packing, shall be submitted to the Representatives of the Persian Government, except the necessaries for the packing of the export tumbaku, which are the property of the Company itself.

5. After the payment of the 500,000*l.* aforesaid the Persian Government engages, within the space of three months, to take over the assets of the Company which become the property of the Persian Government. In the event of delay on the part of the Persian Government in taking over the aforesaid assets, the expenses of the Company shall be paid to the Company to an extent not exceeding 2,000*l.* per mensem, up to the last day of the taking over.

6. Besides the sum of 139,000*l.* worth of existing assets aforesaid, the Company shall hand over to the Representatives of the Persian Government, as agreed upon, the amount of 15,000*l.* worth of shares of the Régie Company, in order that they should be handed over to Major Talbot in lieu of money advanced.

Dated the 5th Ramazan, the year of the Whale 1309 of the Hejreh, at Tehran.

(L.S.) AMIN-ES-SULTAN.

(In the Shah's autograph): It is approved.

(Inclosure 3.)—*Sir F. Lascelles to the Amin-es-Sultan.*

ALTESSE,

Tehran, April 5, 1892.

I HAVE the honour to acknowledge the receipt of your Highness' note of the 3rd instant, transmitting an Agreement for cancelling the Concession granted to the Imperial Tobacco Corporation of Persia, and providing for the cessation of its business, both these documents bearing the autograph approval of His Imperial Majesty the Shah.

I have the satisfaction of informing your Highness that this Agreement has been approved by Her Majesty's Government and accepted by the Corporation, and in order to meet the wishes expressed by your Highness I have the honour to transmit herewith a duplicate copy of the Agreement bearing my seal and signature.

I have, &c.,

The Amin-es-Sultan.

FRANK C. LASCELLES.

No. 148.—Sir F. Lascelles to the Marquess of Salisbury.—(Received May 15.)

(Telegraphic.)

Tehran, May 15, 1892.

THE Agreement between the Persian Government and the Bank was signed yesterday evening by the Shah, the Amin-es-Sultan, the Persian Minister for Foreign Affairs, and M. Rabino as representative of the Bank. I added my signature in the capacity of witness.

The bonds, to the number of forty, have been given to M. Rabino, and they bind the Persian Government to pay interest on them from this day's date. As, however, the Bank is unable to claim payment of interest until the money has been paid, it has been proposed by the Amin-es-Sultan that the amount which will have accrued between to-day and the day on which payment is made shall be handed over to the Tobacco Corporation on condition that they immediately commence operations for making over the assets. This proposal has been submitted by M. Ornstein to the liquidators. The Shah has appointed the Moukber-ed-Dowleh, K.C.I.E., as the person to take over the assets and to name some person who shall, in conjunction with myself, ascertain, from inspection of the Corporation's books, that they have spent 139,000*l.* on the assets which

are to be handed over to the Persian Government by them. For this post M. Rabino has been suggested, and his appointment is agreed to by the Amin-es-Sultan and the Moukber-ed-Dowleh, and is approved by M. Ornstein. M. Rabino is prepared to accept the post provided that he receives permission from his Directors.

CORRESPONDENCE between the Governments of France and the United States, on the subject of Liberia (Independence, Boundary, French Treaty, &c.).—1891–1893.

No. 1.—M. Desprez to Mr. Blaine.

(Translation.)

Legation of the French Republic in the United States,

MR. SECRETARY OF STATE,

Washington, November 3, 1891.

BY virtue of various Treaties confirming, for the most part, previous Treaties concluded with the Chiefs of the country of the Ivory Coast, all the portion of that coast comprehended between the Lahou and the River Cavally is placed under the sovereignty or under the Protectorate of France.

In conformity with the regulations of Article XXXIV of the General Act of the Berlin Conference,* I have the honour to make known to you the Treaties in question, which have been ratified by Decree of the President of the Republic, dated the 3rd August, 1891, and the enumeration of which is as follows:—

1. Treaty concluded with Cokoi, King of the territories of Moyen Lahou, the 30th August, 1890.

2. Treaty concluded with Yéré, King of Fresco, the 31st August, 1890.

3. Treaty concluded with Akala, King of Grand Drewin, the 25th October, 1890.

4. Treaty concluded with Ojra, King of Petit-Lahou, the 5th April, 1891.

5. Treaty concluded with Loffé, King of Kotron, the 12th April, 1891.

6. Treaty concluded with Levis, King of Grand Trépon, or Frepoint, the 16th April, 1891.

7. Treaty concluded with Toco, King of Trépon, the 16th April, 1891.

8. Treaty concluded with the Kings of Grand and Petit Drewin, Dateko, and Bassa, and Akala and Kagé, the 21st April, 1891.

* Vol. LXXVI, page 4.

9. Treaty concluded with Buggery, King of Sassandra (St. André), the 22nd April, 1891.

10. Treaty concluded with Mani, King of the country situated between the River Cavally and the River San Pedro, the 24th April, 1891.

11. Treaty concluded with Kougoua, King of San Pedro, the 27th May, 1891.

Accept, &c.,

J. G. Blaine, Esq.

P. DESPREZ.

No. 2.—M. Patenôtre to Mr. Blaine.

(Translation.)

Legation of the French Republic in the United States,

MR. SECRETARY OF STATE,

Washington, January 26, 1892.

IN accordance with the letter which M. Desprez addressed to you on the 3rd November, 1891, I have the honour to announce to you that new Protectorate Treaties have recently been concluded by the French Government with several Chiefs of the Ivory Coast.

Conformably to the provisions of Article XXXIV of the General Act of the Berlin Conference, I have the honour to notify you, by direction of my Government, the Treaties in question which have been ratified by Decree of the President of the Republic, the 6th September, 1891, and the list of which is as follows:—

1. Treaty concluded with Yacabi, King of Little Drewin, the 25th April, 1891.

2. Treaty concluded with Same, King of Roctown, the 26th April, 1891.

3. Treaty concluded with Traga, King of Victory and of the villages Bokiou, Douaondé, and Dezah, the 27th April, 1891.

4. Treaty concluded with James, or Djemma, King of Victory (village of Noumery), the 27th April, 1891.

5. Treaty concluded with the Chiefs Wobery and Meat Bati, of the villages of Douaondé and Bokiou, the 28th April, 1891.

6. Treaty concluded with Blabeloy, King of the village of Cavally (rive gauche), Blicrow by name, the 5th May, 1891.

7. Treaty concluded with Hyrie, King of Grand Basha (village of Boutlé), the 7th May, 1891.

8. Treaty concluded with Tagui, and Guié, Kings of Tahou, the 9th May, 1891.

Accept, &c.,

J. G. Blaine, Esq.

PATENÔTRE.

No. 3.—Mr. Blaine to Mr. Coolidge

SIR,

Department of State, Washington, June 4, 1892.

I INCLOSE a copy of a note from the Minister of France of the 26th January last,* by which, referring to and continuing M. Desprez' note of the 3rd November last,† a copy of which I also inclose, M. Patenôtre informs me of the conclusion of recent Treaties with certain Chiefs of the African Ivory Coast, by which their territories have been placed under the protection of France. He states, also, that this notification is made in conformity with the provisions of Article XXXIV of the General Act of the Conference of Berlin.

Under these circumstances a few pertinent observations on the part of this Government appear absolutely necessary.

Until the United States shall, by subsequent accession to and ratification of the General Act of the Conference of Berlin in the manner therein provided, become a party to the stipulations thereof, it will be impossible to determine the due and proper weight to be given by this Government to the declaration and claim which is thus announced.

Not only does the notification carry with it no present constraint upon the United States to recognize and acquiesce in the claims so put forth; but, if the facts are correctly apprehended, and if, as appears, the Protectorate claimed by France invades the sovereign jurisdiction of the Republic of Liberia, the Government of the United States could not fail to feel the deepest concern and make earnest remonstrance against such encroachment.

Since 1846, when the territory comprised within the State of Maryland was ceded to Liberia by the native Chiefs, the eastern boundary of the Republic has been recognized as extending to the San Pedro River. The Protectorate M. Patenôtre now announces on the part of France extends westward from the San Pedro River to Cavally River, an important stream which empties into the ocean some 65 miles further west, and embraces the Berreby territory.

The Government of France cannot be unaware of the lively interest which the United States have in the welfare of Liberia. The fact has been made known on repeated occasions. On the 13th January, 1886, when it was reported that a French claim of jurisdiction westward of San Pedro River had been set up, my predecessor in office instructed the United States' Minister to France as follows:—

“ We exercise no protectorate over Liberia, but the circumstance

* Page 633.

† Page 632.

that that Republic originated through the colonization of American citizens, and was established under the fostering sanction of this Government, gives us the right, as the next friend of Liberia, to aid her in preventing any encroachment of foreign Powers on her territorial sovereignty, and in settling any disputes that may arise."

On a very recent occasion, also, the keen interest of the United States in the fortunes of Liberia and our jealous concern that full respect should be paid to the independent and sovereign place of that Republic in the family of nations was conspicuously shown. During the African Slave Trade Conference of Brussels, in the Session of the 16th June, 1890,* the Representative of the United States made an explicit declaration of the relation of the Republic of Liberia to the United States, and the desire of this Government that the General Act should contain an express stipulation to the effect that the Liberian Republic would be invited, as a sovereign Power, to adhere to the Treaty. The object in view was attained by recording, in the Protocol of the Session of the 20th June, 1890,† a positive declaration of the sense of the Conference concerning the sovereign status of Liberia. Baron Lambermont, President of the Conference, in setting forth the positions announced by the United States with regard to the engagements of the General Act, eloquently stated the circumstances which led not only the United States, but all those interested in the cause of humanity in Africa, to attach great importance to the co-operation of the independent and free State of Liberia for the realization of the objects of the Conference. "All the world knows," he said, "the history of the Republic of Liberia. Founded with the object of affording a home to certain freed American slaves desiring to return to the mother country, it was destined at the same time to fulfil a civilizing mission upon the Guinea coast. This creation has produced happy results. It began, it is true, under great difficulties, but this often happens in the early life of new States. This young Republic none the less deserves the sympathies of all those who are interested in the cause of humanity in Africa. It is an independent and free State. Moreover, the Conference has every interest in associating it with its work, not only because of the mission Liberia is called upon to fulfil, but also because it is also in a position to lend indispensable assistance toward the execution of several of the clauses of the General Act." The British Delegate, Lord Vivian, welcomed this declaration of the President of the Conference, adding that the place of Liberia had already been fixed among the independent States which were to be invited to adhere to the General Act. These important declarations stand, therefore, as voicing the general sentiment of the Conference,

* Vol. LXXXII, page 496.

† Vol. LXXXII, page 528.

and as recognizing with peculiar solemnity and frank spontaneity the position which the Republic of Liberia has won as a free, independent, sovereign, and equal member of the family of nations, and as an important factor in the development and civilization of Africa.

The position of Liberia in Africa is peculiar and almost isolated. It is one of the few independent sovereignties of that vast continent, and is the only one on the whole Atlantic seaboard. It has exercised sovereign attributes for half a century, competently contracting Treaties with foreign States, and preserving its sphere of legitimate control peacefully among the interior tribes and along the coast, in virtue of formal Treaties of Cession dating back to its earliest history. At no time has Liberia trespassed on the domain of its neighbours, or invaded their comparatively recent sphere of influence. Ever paying due respect to the rights of other sovereignties, its attitude has entitled it to unquestioning respect for its own vested rights, and to especial sympathy for its fruitful efforts to fulfil what Baron Lambert has well called "*une mission civilisatrice pour la côte de Guinée.*"

Occupying this position, as Liberia does, and bound to the United States by especial ties, which, strong in their origin, have been further strengthened by half a century of intimate relationship, it is apparent that this Government and people could not behold unmoved, much less acquiesce in, any proceeding on the part of the neighbours of Liberia which might assume to dispose of any territory justly claimed and long admitted to belong to the Republic, without the concurrence and consent of Liberia as an independent and sovereign contractant.

It is proper that France, whose colonial establishments and spheres of protection adjoin the jurisdiction of Liberia to the eastward, should be afforded an opportunity of frankly disclaiming any intention to encroach upon the recognized territory of Liberia.

By the President's direction, you are instructed to bring these views to the attention of the Minister of Foreign Affairs, and to inform him at the same time that the Government of the United States does not accept as valid or acquiesce in the Protectorates announced by M. Desprez's note of the 3rd November, 1891, or by M. Patenôtre's later note of the 26th January, 1892, so far as the same may relate to territory pertaining to the Republic of Liberia westward of the San Pedro River, unless it shall appear that Liberia is herself a consenting party to such transactions.

The President is so firmly convinced that the just rights of independent Liberia will be duly respected by all, that he is indisposed to consider the possible contingency of such expansion of the terri-

torial claims of other Powers in Africa as might call for a more positive assertion of the duty of the United States.

I am, &c.,

T. J. Coolidge, Esq.

JAMES G. BLAINE.

No. 4.—Mr. Wharton to M. Patenôtre.

SIR, *Department of State, Washington, June 8, 1892.*

REFERRING to your note of the 26th January last, I have the honour to inform you that, in view of the announcement conveyed by your note, and the previous one of M. Desprez, of the assumption by France of a Protectorate over African territory heretofore and for many years recognized as belonging to the Republic of Liberia, an instruction on the subject has been sent to the American Minister at Paris.

Accept, &c.,

M. Patenôtre.

WILLIAM F. WHARTON,

Acting Secretary.

No. 5.—Mr. Coolidge to Mr. Foster.

SIR, *Legation of the United States, Paris, July 22, 1892.*

IN compliance with your instructions, under date of the 4th June, I have addressed to the French Government a note explaining the position of the United States towards Liberia, and stating that our Government cannot recognize any Protectorate assumed by the French Republic over any lands lying west of the San Pedro River unless the Republic of Liberia is a consenting party to such transactions, because the boundary of the Republic has always been considered the San Pedro.

I inclose herewith a copy of this note,* in which I have used, as far as practicable, your own language.

I have, &c.,

J. W. Foster, Esq.

T. JEFFERSON COOLIDGE

No. 6.—Mr. Foster to Mr. Coolidge.

SIR, *Department of State, Washington, August 18, 1892.*

I INCLOSE, for your information and files, having regard to the Department's instruction of the 4th June, 1892, in relation to the Protectorate announced by France over Liberian territory, a copy of

* This inclosure was dated the 13th July, and was similar to the instructions of Mr. Blaine dated the 4th June, 1892: see page 634.

a despatch from your colleague at London of the 5th instant, reporting the substance of interviews between Mr. Lincoln, Lord Salisbury, and the Liberian Minister in London upon that subject.

I have instructed Mr. Lincoln to forward to you a copy of the Parliamentary paper, "Africa No. 7, 1892,"* and of the map showing the British possessions of West Africa (London: Edward Stanford, 26 and 27, Cockspur Street, Charing Cross, S.W.), which accompanied his despatch.

I am, &c.,

T. J. Coolidge, Esq.

JOHN W. FOSTER.

No. 7.—Mr. Coolidge to Mr. Foster.

SIR, *Legation of the United States, Paris, December 9, 1892.*

SOME time ago I learned privately that negotiations were going on between France and Liberia. On inquiry, I found that Baron de Stein was the authorized Agent on the part of the Republic of Liberia to settle with France the long-pending questions of boundary. I had an interview with this gentleman during the negotiations, which were yesterday brought to a satisfactory conclusion.

By a Treaty, which was to be signed on the 8th instant, Liberia cedes to France the sea-coast east of the Cavally River, and receives in exchange certain extension of territory in the interior. She receives an indemnity of 25,000 fr., and France recognizes the sovereignty of the Republic within the boundary-lines as now agreed upon by the Treaty.

It is evident that the French have obtained from Liberia concessions of some importance, for the sea-coast is the only part of the country which is worth anything, for the present at least. But, on the other hand, the territory ceded was entirely unsettled by Liberia. France laid claim to it by Treaties with the native Chiefs, and the 25,000 fr. were welcome.

It is certainly to the advantage of the little Republic to have this troublesome matter settled once for all in a friendly manner with her powerful neighbour. I have no doubt that the growing desire of France for laying the foundation of a future Colonial Empire in Africa would make it much more difficult to obtain later on such terms as these, and I have not hesitated to say so to Baron de Stein. The energetic protest made by the Government of the United States on the 13th July, as reported in my despatch of the 22nd July, has, I think, induced the French to make the present settlement.

I inclose herewith an English copy of the Treaty, which M. de

Stein furnished me before it was signed; he will send later on a map upon which the new boundary-lines are delineated.

He claims that he has increased very much the size of the Republic.

I have, &c.,

J. W. Foster, Esq.

T. JEFFERSON COOLIDGE.

(Inclosure.)—Convention between the Government of France and the Republic of Liberia.

THE undersigned M. Hanotaux, Minister Plenipotentiary and Director of Commercial Affairs and of Consulates at the Ministry of Foreign Affairs of the French Republic, and M. Haussman, Chief of Division at the Under-Secretariat of State of the Colonies of the French Republic, and the Baron von Stein, Minister Resident of the Republic of Liberia in Belgium, Commissioner of the Liberian Republic to the Government of the French Republic, to the effect of preparing an understanding relative to the delimitations of the French possessions and of the territories of the Republic of Liberia, have agreed to the following arrangement on both sides, subject to the ratification of the respective Governments:—

ART. I. On the Ivory Coast and in the interior the frontier-line between the French possessions and the Republic of Liberia will be constituted as follows, in conformity to the tracing in red on the map annexed to the present Convention in duplicate, and marked as follows:

1. By the thalweg from the Cavally River up to a point situated about 20 miles to the south of the confluence of the River Fodedougou-Ba at the intersection of $6^{\circ} 30'$ of latitude north and of $9^{\circ} 12'$ longitude west of Paris.

2. By the parallel passing through the said point of intersection up to the conjunction of 10° of longitude west of Paris, it being understood that in every case the basin of the Great Sesters River belongs to Liberia and that the basin of the Fodedougou-Ba belongs to France.

3. By the meridian 10° up to its conjunction with latitude 7° north. From this point the frontier will run in direct line towards the point of intersection of 11° with the parallel which passes through Tembicounda, it being understood that the town of Bamaquilla and the town of Mahomadou will belong to the Republic of Liberia, the points of Naala and of Mousardou belonging to France.

4. The frontier will then take the direction towards the west, following the same parallel until its conjunction with the 13° of longitude west of Paris with the Franco-English frontier of

Sierra-Leone. This line will in any event assure to France the entire basin of the Niger and of its affluents.

II. The navigation on the River Cavalla to its confluence with the Fodedougou-Ba will be free to shipping and open for the inhabitants of both countries.

France will have the right of erecting at her own expense on the waterway (thalweg), or on one or the other bank of the Cavally, the works which may be necessary to render it navigable; it being, however, perfectly understood that this fact will in no way infringe the rights of sovereignty, which on the right side belong to Liberia. In case the execution of such works should give rise to the establishment of taxes, these would be determined by a new understanding between the two Governments.

III. France renounces all rights which she possesses from the ancient Treaties concluded on different points of the Seed Coast [? Grain] ("Côte des Grains"), and recognizes the sovereignty of the Republic of Liberia on the whole coast to the west of the Cavally River.

The Republic of Liberia abandons, on its part, all pretensions which it might claim to the territories of the Ivory Coast situated to the east of the Cavally River.

IV. The Government of Liberia, as in the past, will facilitate to the extent of its means the free engagements of labourers on the Liberian coast for the French Government or its subjects. Reciprocally, the same facilities are granted to Liberia by the French Government on the French part of the Ivory Coast.

V. In recognizing to the Republic of Liberia the limits which have been fixed, the Government of the French Republic declares that it only intends engaging itself towards the Republic of Liberia, free and independent, and makes all its reserves for the case that this independence would be impaired, or in the case that the Republic of Liberia should alienate any part of the territories which are recognized to it by the present Convention.

Done at Paris, the 8th December, 1892, &c.

The French text* will exclusively serve as evidence.

Special Clauses.

I. The Government of Liberia having incurred certain expenses of establishment on the part of the coast which is to the east of Cavally, France promises to pay to the Government of the Liberian Republic a sum of 25,000 fr. as an indemnity.

II. In case Princes or Chiefs of aborigines whose States are placed in the territory belonging to France should take refuge on

* For French text of this Agreement, see Vol. LXXXIV, page 626.

the territories recognized to the Republic of Liberia by the Convention of the _____, all facilities consistent with the dignity of free independent State will be afforded to France for the pursuit and capture of fugitives.

No. 8.—Mr. Coolidge to Mr. Gresham.

SIR, *Legation of the United States, Paris, February 24, 1893.*

I DULY received your confidential despatch of the 14th January, instructing me to ask for an answer to the representations made by your direction under date of the 13th July, with reference to the action of the French authorities in Liberia. The contents of this despatch engaged my immediate attention, and before leaving for Rome I had a personal conversation on the subject with M. Develle, the new Minister for Foreign Affairs, who promised that a reply should be made to my note. Upon my return I recalled the attention of the Minister to the matter. In his answer, which is inclosed, he states substantially that a regular Treaty has been signed with Liberia, by which this Republic, in return for certain concessions made by France, waives her claim to the territory lying between the Rivers San Pedro and Cavally, and recognizes the thalweg of the river last named as the dividing line between Liberia and the territory now placed under the Protectorate of France.

The French Republic has therefore complied with the wish expressed in our communication of the 13th July, that no territory should be taken from Liberia without her express consent.

The new dividing line and the terms of the Arrangement made with Liberia are fully explained on the map and in the copy of the Treaty which I forwarded to the Department with my Nos. 91 and 112.

I inclose herewith a copy of M. Develle's note, together with a translation of the same.

I have, &c.,

W. Q. Gresham, Esq.

T. JEFFERSON COOLIDGE.

(Inclosure.)—M. Develle to Mr. Coolidge.

(Translation.)

Ministry for Foreign Affairs, Paris,

MR. MINISTER,

February 21, 1893.

By your letter of the 16th of this month you were good enough to recall to me a communication which you had addressed on the 13th July last to my predecessor in order to bring to his attention the observations which the notification of the Treaties concluded in 1890 and 1891 by the Government of the Republic with various

native Chiefs of the Ivory Coast had suggested to the Federal Government. After having made on this occasion certain reservations on the subject of the French Protectorate over the territories situated between the San Pedro and Cavally Rivers, which, according to the Cabinet of Washington, have been recognized for a number of years as belonging to the Republic of Liberia, you informed M. Ribot that the Government of the United States would not, however, object to acknowledge the validity of the Protectorate in question, provided the Republic of Liberia should recognize itself the legitimacy of the rights of France over that region.

The Legation of the United States not having received since then any answer from my Department on the subject, you were good enough, in a recent conversation, to which you refer, to express to me your desire to be informed as to the present condition of this affair, while stating, moreover, that the Federal Government did not in any way wish to raise a question of international law on this occasion.

I have the honour to inform you that the negotiations entered into recently at Paris between the Delegates of the Government of the Republic and of the Government of Liberia, with the view of arranging an agreement in regard to the determination of the boundaries of the French possessions of the Ivory Coast and the territories of Liberia, have resulted in the signing of an Arrangement, which is to be submitted to the ratification of the two Governments.

By the terms of this Act, the boundary-line of the respective possessions of the two countries shall be established by the thalweg of the Cavally River. France gives up the rights acquired by her from old Treaties concluded on various points of the Grain Coast, and recognizes the sovereignty of the Republic of Liberia over the coast to the west of the Cavally River; the Republic of Liberia abandons, on its side, all pretensions which it could put forward to the territories of the Ivory Coast situated east of said river.

Accept, &c.,

T. J. Coolidge, Esq.

JULES DEVELLE.

CORRESPONDENCE between the French and United States' Governments, on the subject of an Insult to the French Flag at Jeannette in Pennsylvania.—1892.

No. 1.—*M. Patenôtre to Mr. Wharton.*

(Translation.)

Legation of the French Republic in the United States,

MR. SECRETARY OF STATE,

Washington, June 19, 1892.

I HAVE the honour to call your attention to the following facts which have been brought to my notice as having taken place on the 30th May last, in the little city of Jeannette, Westmoreland County, Pennsylvania. M. Auguste Lelang, one of my countrymen residing in that locality, wishing to celebrate Decoration Day, hoisted the American flag between two French flags from his second story window. During his absence one Thomas Spiers, a policeman of West Jeannette, accompanied by two other persons, climbed up to the window in which these emblems were placed, tore down the French flags, threw them into the mud, and tore them. I at first refused to believe that such an act had been perpetrated. It seemed the more inexplicable since the Federal Government, as I am happy to state, has always been glad to assign a place to France when the War of Independence was to be commemorated, and since, on that very 30th day of May, I was requested to furnish a tricoloured flag for the decoration of La Fayette's statue. Before asking your attention to the facts in question, which were communicated the very next day to our Consul at Philadelphia, I took pains to ascertain their correctness.

You will find inclosed a report of the investigation which has just been held on this subject, at the request of our Consul, by Captain Lejeune, a Chevalier of the Legion of Honour, who resides at Jeannette. This report is signed by three of the residents, who were present when the flags were seized and torn. The facts, moreover, do not appear to be disputed. As you will see, the Chief of Police of Jeannette censured the conduct of his subordinate, but declared that he could not dismiss him, except in obedience to superior orders.

You will doubtless think, as I do, that the best way to close an incident that is so much to be regretted, would be to remove at once an officer who has been guilty of an act which you will certainly condemn as severely as I do. I take the liberty to insist that this case be promptly settled. Our national holiday, the 14th July, is near; it will call forth, at Jeannette as well as in all places where there are numbers of French residents, patriotic manifestations

which will again be the occasion of placing the flags of our two countries side by side, and it is much to be desired that, at that time, the policeman who has been guilty of so vexatious a violation of duty may no longer be in his present position.

Be pleased to accept, &c.,

W. F. Wharton, Esq.

PATENÔTRE.

(Inclosure.)—Investigation relative to the Removal, on the 30th May, 1892, of two French Flags from the second story window of M. Auguste Lelang, at West Jeannette, Pennsylvania, by a Policeman, who climbed up to the window for the purpose.

To the Consul of France at Philadelphia.

MR. CONSUL,

Jeannette, Pennsylvania, June 15, 1892.

ON the 30th May last, Decoration Day, most of the French residents of Jeannette decorated their houses with American flags. M. Auguste Lelang, after having first hoisted the American flag from one of the windows in the second story of his house, afterwards hoisted two French flags, one on each side of the American flag.

As the workshops were closed on that day and the workmen were free, they took advantage of the opportunity to go to merry-makings or meetings. M. Auguste Lelang was absent all the afternoon, together with his wife and children, and he had locked his door.

At about half-past 7 o'clock in the evening, after the flags had been undisturbed for almost all day, Thomas Spiers, a policeman of West Jeannette, accompanied by a townsman named John Kockerel, both of them being assisted by a man named Harliman, who lent them a ladder, placed the ladder against the front of the house, climbed up and pulled down the two French flags, which they afterwards tore and threw into the mud. M. Auguste Lelang had the remnants of these two flags sent to the Consul of France at Philadelphia.

Many women and children witnessed this scene, the men being almost all absent. However, Francois Diffemback, a brewer, Joseph Mommaerts, a baker, and Jean Vertingen, also a baker, saw the act and signed this paper, together with Captain H. Lejeune, Chevalier of the Legion of Honour, who was instructed to make an investigation by the Consul of France at Philadelphia.

On the day following Auguste Lelang asked the policeman why he had committed that act of violence and brutality. The policeman replied that he was not responsible to M. Lelang for what he had done, and that he had pulled down the flags because he wanted to. M. Lelang was not satisfied with this, and went to see the squire

who has charge of the police of the town, who, while he said that the French residents were right, and disapproved the conduct of the policeman, retained the latter in his place, saying that he was awaiting superior orders before acting.

The foregoing is a correct statement of the facts, and Captain Lejeune would have informed you of them at once if he had not learned that M. Lelang had taken the initiative in the matter.

Consequently, the signers of this statement, in which all the French residents of Jeannette concur, they all being proud of their nationality and loving their flag, demand that reparation be made for the insult.

The witnesses signed after the statement had been read to them.

H. LEJEUNE.
DIFFEMBACK.
JOSEPH MOMMAERTS.
JEAN VERTINGEN.

State of Pennsylvania, County of Westmoreland,
City of Jeannette, United States of America.

I, a Notary Public in and for said County and State, hereby certify that the above statement was duly signed in my presence this 15th day of June, A.D. 1892.

(L.S.) A. L. BETHUNE, *Notary Public*.

Examined and transmitted to the Minister of France at Washington.

Philadelphia, the 18th June, 1892.

(L.S.) L. VOSSION, *Consul of France*.

No. 2.—*Mr. Wharton to M. Patenôtre.*

SIR, *Department of State, Washington, June 24, 1892.*

I HAVE the honour to acknowledge the receipt of your note of the 19th instant relative to the complaint of M. Auguste Lelang, a French citizen, in relation to the alleged misconduct of Mr. Thomas Spiers, a policeman of West Jeannette, Pennsylvania, and to inform you that a translation of your note has been communicated to his Excellency the Governor of Pennsylvania with a view to any action that may be found proper in the premises.

Accept, &c.,

M. Patenôtre.

WILLIAM F. WHARTON,
Acting Secretary.

No. 3.—Mr. Foster to M. Patenôtre.

SIR,

Department of State, Washington, July 13, 1892.

I HAVE the honour to acknowledge the receipt of your note of the 19th ultimo, in the matter of the complaint of M. Auguste Lelang, or Leland, a French resident of Jeannette, Westmoreland County, Pennsylvania, against a policeman of that borough, for having torn down and maltreated two French flags which M. Lelang had hoisted from the second story of his residence.

I at once brought the subject to the attention of his Excellency Robert E. Pattison, Governor of that State, for his information and report, and I have now before me the sworn testimony of the witnesses on both sides of the controversy, which has been furnished by the District Attorney of Westmoreland County to Governor Pattison, by whom it has been transmitted to this Department.

This testimony shows that, on the morning of the 30th May, 1892, in the borough of West Jeannette, Pennsylvania, M. Auguste Leland (or Lelang), having in his possession two French flags about 4 feet square which he had brought from France, and having purchased an American flag—the largest he could buy, but considerably smaller than the others—placed the three flags in the second story window of his house, intending evidently no disrespect to the American flag, which he placed in the middle, though probably for some reason lower than the others. Certain neighbours of his, deeming that the arrangement of the flags was disrespectful to the United States, prevailed on a policeman, T. A. Spires, to take them down. It does not appear that Mr. Spires injured the flag, but that later some persons unknown and certain children did tear the flags more with a design to preserve (each) a piece than for worse motive.

To-day I telegraphed Governor Pattison urging his earnest and hearty co-operation to prevent any hostile demonstration against the flag of France or her citizens on the 14th instant—the French national holiday—should they in honour thereof fly the flag.

It affords me pleasure to say that I have received a reply this afternoon from Governor Pattison saying that he had telegraphed Joseph A. McCurdy, Esq., District Attorney of Westmoreland County, in the sense of my telegram, adding as follows:—

“I want to impress upon you (Mr. McCurdy) the importance of giving this matter your prompt personal attention; confer with the local authorities at Jeannette, and see that provisions are made to prevent any hostile manifestations against the flag or the French residents. Communicate with me [Governor Pattison] in regard to your action.”

The occurrence is deeply regretted by myself and the Governor of Pennsylvania, and was entirely without the sanction of the authorities thereof, as you can readily understand.

In a letter which I have addressed to Governor Pattison I have adverted to the fact that, although the flag is only a national emblem when displayed by a competent authority, it is also private property which should, under no circumstances, be wantonly maltreated by a police officer or by any other person in time of peace. I alluded to the time-honoured friendship which had so long existed between the Government of the United States and that of France, and to our natural desire that friendly and peaceable relations should at all times prevail between the citizens of this country and those of a friendly foreign Power residing within our jurisdiction. These reasons strongly suggested to my mind, as I doubt not they will to Governor Pattison, that all undue manifestations that tend to engender ill-feeling or bitter resentment should be avoided or suppressed.

In this connection it is pleasant to note that Governor Pattison's telegram herein referred to gives assurance that he intended to do everything that is possible to promote good feeling at Jeannette.

The occurrence of the 30th May last cannot in anywise be regarded as an insult to the flag of France as a national emblem, since it is possible for like incidents to occur in any country under similar circumstances, and, as I have shown, there was an entire absence of design to offer an insult to the citizens of France or the flag as a national emblem. It was the personal act of a police officer, in which certain other persons, including children of the town of Jeannette, participated, and without the sanction or knowledge of the Pennsylvania State authorities. I have, however, suggested to the Governor that some measure of punishment should, if possible, be meted out to the policeman, Thomas A. Spires, and entertain no doubt that he will give the question his further attention to that end.

Accept, &c.,

M. Patenôtre.

JOHN W. FOSTER.

No. 4.—Mr. Foster to M. Patenôtre.

Department of State, Washington,

August 16, 1892.

MY DEAR M. PATENÔTRE,

IN connection with the incident of the 30th May last, when the French flag was torn down at Jeannette, Westmoreland County, Pennsylvania, I desire to assure you that the Department has given, and from the latest advices received the Pennsylvania authorities are

giving, the matter careful attention. His Excellency the Governor was in hopes that before this it might have been possible to carry out the wishes of the Department that some measure of punishment be inflicted upon the police officer Spires. The delay is doubtless due to the fact that he is elected by the people, and is under the supervision and jurisdiction of the Court of Quarter Sessions of the Peace of said Westmoreland County. It is not customary, I am advised, for this Court to sit during the months of July and August, and it appears also that Judge Doty is absent on his vacation.

Governor Pattison has, however, instructed the District Attorney, Joseph A. McCurdy, Esq., who is familiar with the episode, to take the first opportunity to confer with the people's local authorities upon the subject, and there is no reason to doubt that the Governor's wishes will be complied with at the earliest date practicable.

Very truly yours,

M. Patenôtre.

JOHN W. FOSTER.

No. 5.—Mr. Foster to M. Patenôtre.

*Department of State, Washington,
August 26, 1892.*

(Telegraphic.)

I AM informed by the Governor of Pennsylvania that the police officer who offered the insult to the French flag at Jeannette, Pennsylvania, has been dismissed by the town officials. The delay in his dismissal was occasioned by the fact that he was an elected officer.

It gives me great pleasure to convey to you the notification of so satisfactory a termination of this unfortunate incident.

No. 6.—M. Desprez to Mr. Foster.

(Translation.)

Legation of the French Republic in the United States,

MR. SECRETARY OF STATE,

Washington, September 27, 1892.

IN a letter dated the 27th August last, Mr. Alvey A. Adee communicated to me the copy of a telegram that you were kind enough to address to M. Patenôtre on board of the *Bretagne* to inform him of the dismissal of the policeman, who, on the 30th May last, in the town of Jeannette, Pennsylvania, tore the French flags placed by one of our countrymen in the window of his house.

I am instructed by the Minister of Foreign Affairs to acquaint

you that the French Government appreciates the satisfaction accorded it in this case by the Federal Government, at the request of M. Patenôtre.

Accept, &c.,

J. W. Foster, Esq.

P. DESPREZ.

ORDONNANCE du Gouverneur Impérial Allemand, concernant l'Importation des Armes à Feu et Munitions dans le Protectorat de Cameroun.—Cameroun, le 16 Mars, 1893.

(Traduction.)

CONFORMÉMENT au § 11 de la Loi sur la situation juridique des Protectorats Allemands* et à l'Ordonnance du Chancelier de l'Empire du 29 Mars, 1889, les dispositions suivantes sont arrêtées en ce qui concerne le Protectorat :—

§ 1. Quiconque importe dans le Protectorat des armes à feu, des munitions, ou de la poudre, doit déposer ces articles, à ses risques et périls et à ses frais, dans un entrepôt placé sous le contrôle de l'autorité.

Un avis officiel fera connaître les entrepôts affectés à cet objet,† ainsi que les autorités chargées de la surveillance.

§ 2. L'importation des armes à feu, des munitions, et de la poudre ne peut se faire que par mer.

Exceptionnellement l'importation pourra avoir lieu par la frontière intérieure, moyennant une autorisation spéciale. Cette autorisation ne pourra être accordée que pour une quantité déterminée d'armes à feu, de munitions ou de poudre, et seulement dans le cas où il existera des garanties suffisantes que les marchandises à importer ne seront pas données, cédées, ou vendues à des tiers.

§ 3. On ne pourra retirer des entrepôts des armes à feu des munitions et de la poudre que moyennant une autorisation préalable et écrite de l'autorité chargée de la surveillance.

§ 4. Sous réserve des exceptions prévues dans le présent paragraphe et dans le paragraphe suivant, l'autorisation de retirer de l'entrepôt (§ 3) ne sera pas accordée pour les armes de précision telles que fusils rayés, à magasin ou se chargeant par la culasse, soit entières, soit en pièces détachées, ainsi que pour leurs cartouches capsules, et autres munitions servant à les approvisionner.

Des exceptions pourront être faites pour les personnes offrant

* March 15, 1888. See Vol. LXXIX, page 650.

† Six entrepôts sont établis dans le Protectorat de Cameroun, et notamment un entrepôt public à Cameroun et cinq entrepôts privés à Rio del Rey, Victoria, Petit-Batanga, Grand-Batanga et à l'embouchure de la Malimba.

une garantie suffisante que l'arme qui leur sera remise ainsi que ses munitions ne seront pas données, cédées, ou vendues à des tiers, ainsi que pour les voyageurs munis d'une attestation de leur Gouvernement que l'arme et ses munitions sont destinées exclusivement à leur défense personnelle.

§ 5. Les prescriptions du § 4 ne sont pas applicables lorsqu'il s'agit de mesures prises directement par l'Administration pour l'armement de la force publique et l'organisation de la défense du territoire.

§ 6. Toute arme, dans les cas prévus au § 4, alinéa 2, devra être enregistrée et estampillée par l'autorité chargée de la surveillance. Celle-ci devra également délivrer aux personnes dont il s'agit un permis de port d'arme, indiquant le nom de la personne autorisée à la porter, ainsi que l'estampille dont cette arme est marquée. Ce permis, révoqué en cas d'abus constaté, ne sera délivré que pour cinq ans, mais pourra être renouvelé.

§ 7. Toute personne qui, au moment de la mise en vigueur de la présente Ordonnance, se trouvera en possession d'une arme à feu autre que fusil à silex non rayé, sera tenue, endéans les six semaines, de la faire enregistrer et estamper par l'autorité chargée de la surveillance.

§ 8. Les fusils à silex non rayés et la poudre commune, dite de traite, pourront seuls être retirés des entrepôts pour être livrés au commerce.

§ 9. A chaque retrait de fusils de cette espèce et de munitions pour les livrer au commerce, l'autorité devra déterminer les régions dans lesquelles ces objets pourront être vendus. Toutefois ces fusils, de même que la poudre ordinaire, ne pourront être retirés des entrepôts pour être livrés au commerce dans les régions atteintes par la Traite.

§ 10. Dans les ports de mer et sous les conditions offrant des garanties suffisantes, l'autorité pourra permettre l'établissement d'entrepôts privés, mais seulement pour le dépôt de la poudre ordinaire et des fusils à silex, et à l'exclusion des armes perfectionnées et de leurs munitions.

§ 11. Les personnes qui auront été autorisées à retirer des entrepôts des armes ou de la poudre devront fournir, tous les six mois, à l'autorité, des listes détaillées indiquant la destination qu'ont reçue les armes et la poudre vendues, ainsi que les quantités restant encore en magasin.

§ 12. Une publication officielle fixera le montant du droit à payer dans les entrepôts publics pour l'entreposage des armes à feu, des munitions et de la poudre.

§ 13. Les infractions aux dispositions de la présente Ordonnance seront punies d'un emprisonnement de trois mois au maximum et

d'une amende qui n'excédera pas 5,000 marks, ou d'une de ces peines seulement. Les armes à feu, les munitions et la poudre, objets de l'infraction, seront confisquées.

§ 14. La présente Ordonnance entrera en vigueur à ce jour.

Cameroun, le 16 Mars, 1893.

(L.S.) ZIMMERER, *Gouverneur Impérial*.

ORDONNANCE du Consul Impérial Allemand à Zanzibar, concernant l'Importation et l'Exportation des Armes à Feu et des Munitions, ainsi que le Commerce de ces Articles dans le Protectorat Britannique de Zanzibar.—Zanzibar, le 14 Juin, 1893.

(Traduction.)

ATTENDU que les Iles de Zanzibar et de Pemba ont été comprises par l'Acte Général de la Conférence de Bruxelles dans la zone de prohibition spécifiée à l'Article VIII du dit Acte ;*

Attendu que l'importation et l'exportation des armes à feu et des munitions, ainsi que le commerce de ces objets, ont été réglés par une Ordonnance de Sa Hautesse le Sultan du 27 Mai de cette année,† approuvée par le Gouvernement de Sa Majesté Britannique ;

En vertu d'un Décret du Gouvernement Impérial, la dite Ordonnance est rendue par la présente obligatoire pour les personnes placées sous la juridiction Allemande.

En conséquence, il est ordonné ce qui suit :—

§ 1. Toutes armes à feu, munitions et poudres, importées dans les Iles de Zanzibar et de Pemba, doivent être déposées, aux frais, risques, et périls des importateurs, dans les entrepôts désignés à cet effet par le Gouvernement de Sa Hautesse.

§ 2. On ne pourra retirer les armes, &c., déposées dans les entrepôts que moyennant une autorisation écrite des autorités douanières, contre-signée par l'Agent Diplomatique et Consul-Général de Sa Majesté Britannique.

L'autorisation devra préciser le nombre et l'espèce des armes ainsi que les quantités de munitions à retirer.

§ 3. Toutes armes à feu, tout baril de poudre et toute caisse de munitions à retirer de l'entrepôt, devront être mentionnés dans un registre et estampillés d'un numéro et d'une marque spéciale. Il sera perçu pour chaque enregistrement et chaque estampillage un droit d'une roupie par fusil, pistolet, &c., ou par baril de poudre et caisse de cartouches.

* Vol. LXXXII, page 55.

† Page 689.

§ 4. Toute autorisation de retirer des armes de quelque espèce qu'elles soient, et des munitions, est subordonnée au consentement préalable et écrit de l'Agent Diplomatique et Consul-Général de Sa Majesté Britannique.

Ce consentement ne sera donné que dans les cas suivants :—

(a.) S'il s'agit de personnes offrant des garanties suffisantes, que les armes et munitions susdites ne seront pas, sans la permission des autorités compétentes, vendues, données, ou cédées d'une autre manière à des tiers ;

(b.) S'il s'agit de voyageurs, munis d'une déclaration de leur Gouvernement, que les armes et les munitions sont exclusivement destinées à leur défense personnelle ;

(c.) S'il existe une garantie suffisante que les armes dont il s'agit sont destinées à être exportées immédiatement vers des ports situés en dehors de la zone déterminée par l'Article VIII de l'Acte Général. L'autorisation toutefois ne sera pas accordée lorsque, au jugement des autorités compétentes, il y aura des raisons de croire que les armes doivent être réexportées illégalement dans une partie de la zone de prohibition ;

(d.) Si les armes sont destinées à la côte Africaine pour servir à l'usage des Gouvernements ou des missions, et que la demande de les retirer de l'entrepôt est accompagnée d'une déclaration des autorités compétentes de lieu de destination qu'aucun obstacle ne s'oppose à leur importation.

Dans tous ces cas, les armes, &c., ainsi retirées, restent soumises aux stipulations du § 3 concernant l'estampillage, l'enregistrement, &c.

§ 5. Aucune vente ni aucun autre transfert d'armes ou de munitions ne seront autorisés à Zanzibar et à Pemba, que moyennant une permission écrite des autorités responsables ; dans tous les cas de transfert les armes devront, conformément au § 3, être estampillées et enregistrées.

§ 6. En vue de prévenir les abus, tout détenteur actuel d'armes à feu non estampillées devra, avant le 1^{er} Juillet, 1893, les présenter pour être estampillées et enregistrées, conformément au § 3, au Directeur de la Douane ou à telle autre personne qui aurait qualité à cet effet. Toute arme qui, à l'encontre de la présente stipulation, n'aurait pas, avant le 1^{er} Juillet de cette année, été estampillée et enregistrée, sera considérée comme ayant été importée postérieurement à la mise en vigueur de cette Ordonnance, et le possesseur se rendra passible des pénalités qui y sont prévues.

§ 7. L'entreposage des armes, &c., dans les entrepôts publics destinés à cette fin aura lieu sans frais, pendant un délai de six mois à compter du jour du débarquement. A partir de l'expiration de ce terme il sera perçu un droit d'entreposage mensuel de 1 anna

par fusil et de 2 annas par caisse de cartouches ou baril de poudre.

Le propriétaire des fusils pourra toujours y avoir accès pour les nettoyer, de huit heures du matin à midi, et de deux heures à quatre heures de l'après-midi, à charge de prévenir par écrit l'autorité douanière vingt-quatre heures à l'avance.

Aucun droit ne sera perçu du propriétaire si ce dernier procède lui-même au nettoyage des armes; cependant l'autorité douanière pourra, à sa demande, se charger elle-même du nettoyage, moyennant une rétribution de 1 anna par fusil. Toutefois, ce droit pourra être augmenté en proportion si les armes se trouvaient en fort mauvais état.

§ 8. Les armes importées par le Gouvernement Zanzibarite pour l'usage de ses troupes régulières ou de ses forces de police ne sont pas soumises aux stipulations de la présente Ordonnance.

§ 9. Toute contravention aux stipulations de la présente Ordonnance sera punie de la confiscation des armes, munitions, &c., ainsi que d'une amende qui n'excédera pas 150 marks.

§ 10. Au sens de la présente Ordonnance, sont compris sous la dénomination "d'armes à feu" toute espèce de fusil, carabine, canon, revolver, pistolet et autres armes à feu, soit entières, soit en pièces détachées.

Le terme "munitions" comprend les cartouches, balles, poudre, capsules, &c., et en général tous autres matériaux servant au chargement des armes à feu.

Par "importateur" il faut entendre tout propriétaire d'armes à feu et de munitions, ainsi que tout possesseur actuel ou toute personne ayant l'usage de ces objets.

§ 11. La présente Ordonnance entrera en vigueur au jour de sa publication.

Zanzibar, le 14 Juin, 1893.

(L.S.) ANTON, *Consul Impérial*.

ORDONNANCE du Consul Impérial Allemand à Zanzibar, concernant la Vente de Boissons Alcooliques.—Zanzibar, le 11 Juillet, 1892.

(Traduction.)

LE Gouvernement Impérial ayant donné son assentiment au Règlement d'exécution concernant la vente des spiritueux édicté par la Puissance protectrice, les dispositions suivantes sont applicables aux sujets et protégés Allemands résidant à Zanzibar :—

1. La vente de boissons alcooliques n'est permise que moyen-

nant un certificat d'autorisation (licence) délivré par l'autorité compétente.

N'est pas soumise à l'obligation de semblable licence la vente en emballage original et celle de spiritueux en petite quantité cédés de bonne foi comme échantillons. Cette exception ne concerne que la vente aux titulaires de licences.

2. Les licences pour la vente de spiritueux sont concédées sur les bases suivantes :—

1^{re} *Classe*.—Licences pour la vente de boissons alcooliques, tant en gros qu'en détail, de 6 heures du matin à minuit : 500 roupies.

2^e *Classe*.—Licences pour la vente de boissons alcooliques, tant en gros qu'en détail, de 6 heures du matin à 8 heures du soir : 400 roupies.

3^e *Classe*.—Licences pour la vente de boissons alcooliques destinées à être consommées sur place, entre 6 heures du matin et minuit : 300 roupies.

Les heures ci-dessus mentionnées peuvent être prolongées, sur requête, par les autorités compétentes, pour un cas déterminé.

3. Les infractions aux dispositions qui précèdent, de même que les infractions aux Articles XC à XCV de l'Acte Général de Bruxelles,* seront punies d'une amende de 150 marks, et en cas d'insolvabilité, d'emprisonnement. Le retrait de la licence pourra également être ordonné.

4. Les demandes en concession de licence doivent être adressées au fonctionnaire principal du Gouvernement de Zanzibar, le Général Lloyd W. Mathews.

Ces demandes devront indiquer d'une manière précise l'espèce et la classe de la licence sollicitée.

5. Toute licence est valable pour le terme d'une année, à compter du jour de la concession.

6. Les présentes dispositions entreront en vigueur le jour de leur publication.

Zanzibar, le 11 Juillet, 1892.

(L.S.) ANTON, *Consul Impérial*.

ORDONNANCE du Gouverneur Allemand, concernant la perception d'un Droit sur les Spiritueux fabriqués dans le Protectorat de l'Afrique Orientale Allemande. — Dar-es-Salâm, le 16 Janvier, 1893.

(Traduction.)

§ 1. Toute personne qui se propose de fabriquer dans l'intérieur du Protectorat des spiritueux destinés à la consommation indigène

doit se munir au préalable d'une autorisation du Gouvernement Impérial.

§ 2. La fabrication de ces spiritueux ne sera permise qu'aux personnes offrant toute garantie; elle restera soumise à la surveillance des agents du fisc.

§ 3. Un droit sera perçu sur cette fabrication. Il sera calculé sur la quantité des produits fabriqués et sera de 10 roupies par hectolitre.

§ 4. Les prescriptions détaillées relatives à la surveillance seront publiées aussitôt qu'une distillerie aura été établie.

§ 5. La fabrication de spiritueux, sans autorisation du Gouvernement Impérial, sera punie d'une amende de 100 à 5,000 roupies.

Dar-es-Salâm, le 16 Janvier, 1893.

(L.S.) BARON DE SODEN, *Gouverneur Impérial*.

ORDONNANCE du Commissaire Impérial Allemand pour le Protectorat du Sud-Ouest Africain, concernant l'Importation et le Commerce des Spiritueux.—Windhoek, le 13 Mars, 1893.

(Traduction.)

CONFORMÉMENT au § 11 de la Loi sur le Statut Juridique des Protectorats Allemands du 15 Mars, 1888,* est arrêtée l'Ordonnance suivante:—

§ 1. Quiconque veut importer dans le territoire du Protectorat des vins, de la bière ou de l'eau-de-vie, doit présenter d'abord au Commissaire Impérial un relevé exact des quantités à importer, à l'effet d'obtenir une autorisation écrite.

§ 2. Quiconque veut se livrer au commerce des vins, de la bière ou de l'eau-de-vie, doit se munir à cet effet d'une autorisation écrite du Commissaire Impérial (certificat de licence). Il aura à payer de ce chef un droit annuel (droit de licence). Ce droit sera fixé pour chaque cas spécial et pour chaque année par le Commissaire Impérial, en tenant compte du chiffre d'affaires annuel du commerçant tel qu'il résulte des prévisions, chaque hectolitre à 50 degrés étant taxé à raison de 12 marks. Le taux minimum du droit de licence est de 300 marks par an. Le titulaire d'une licence est également soumis à l'application de la disposition du § 1.

§ 3. Les infractions à la disposition du § 1 seront punies d'une amende de 1 à 5 livres (20 à 100 marks).

§ 4. Quiconque, sans être titulaire d'une licence, se livre au commerce des vins, de la bière ou de l'eau-de-vie, aura à payer le

* Vol. LXXIX, page 650.

double du montant du droit annuel (§ 2), et pourra de plus être condamné à une amende de 25 livres (500 marks) au maximum.

§ 5. Quiconque aura, soit contre rétribution, soit gratuitement, fourni en quantité démesurée du vin, de la bière, de l'eau-de-vie ou d'autres boissons enivrantes, sera puni d'une amende de 1 à 15 livres (20 à 300 marks).

Le titulaire de la licence pourra dans ce cas être privé en outre de sa licence pour le restant de l'année courante.

§ 6. Dans tous les cas d'infraction dont il s'agit ci-dessus, le délinquant pourra être condamné également à un emprisonnement de trois mois au maximum.

§ 7. Outre les peines dont il s'agit dans la présente Ordonnance, la confiscation des boissons importées sans autorisation, ou de celles restant encore en magasin, pourra être prononcée.

§ 8. La présente Ordonnance révoque les dispositions antérieures sur la matière.

Elle entrera en vigueur à partir du 1^{er} Avril de cette année.

Windhoek, le 13 Mars, 1893.

(L.S.) VON FRANÇOIS, *Capitaine,*
Commissaire Impériale Intérimaire.

ORDONNANCE du Commissaire Impérial pour Togo, concernant la Libération des Personnes en état d'Esclavage.—
Sebbe, le 15 Janvier, 1893.

(Traduction.)

CONFORMÉMENT à la Loi sur le Statut Juridique des Protectorats Allemands* et à l'Ordonnance du Chancelier de l'Empire du 29 Mars, 1889, j'arrête par la présente ce qui suit :—

§ 1. Toute personne se trouvant en état d'esclavage, d'esclavage domestique ou de dépendance personnelle acquiert sa complète liberté par le fait que son maître conclut, soit avec un tiers, soit avec elle-même, un contrat (vente, échange, donation, &c.) ayant pour effet de mettre un terme aux rapports qui existent entre la dite personne et lui.

§ 2. Tout rachat d'esclave doit, endéans les quatre semaines, être notifié par la personne qui libère au Commissaire Impérial ou au Chef du district dans lequel l'esclave libéré ou celui qui le libère aura son domicile. A la suite de cette notification et sur requête, une lettre d'affranchissement, scellée et signée, sera délivrée gratuitement à l'esclave. Semblable lettre d'affranchissement pourra également être délivrée, dans les mêmes conditions, à toute personne qui aura obtenu sa liberté, soit en vertu d'une décision de l'autorité, soit de toute autre manière.

* March 15, 1888. See Vol. LXXIX, page 650.

§ 3. L'arrangement aux termes duquel l'esclave racheté s'engage, vis-à-vis de la personne qui le rachète, à acquitter par ses services, soit en totalité, soit en partie, le prix du rachat, est valable. Toutefois, un semblable arrangement doit être passé par écrit devant l'une des autorités mentionnées au § 2 et est soumis à son approbation. La dite autorité est tenue de sauvegarder à cette occasion les intérêts de l'esclave racheté et de veiller notamment à ce que la quotité à acquitter par les services ne dépasse pas le prix du rachat convenu ou les prix fixés par les usages locaux.

Les quotités portées en compte à l'esclave racheté ne peuvent être inférieures au montant habituel des salaires. L'arrangement suivant lequel les fournitures en subsistances, objets d'habillement et autres, faites par l'auteur du rachat, seront imputées sur les dites quotités, n'est pas valable.

§ 4. L'autorité délivrera à l'esclave racheté ainsi qu'à celui qui le rachète une expédition de l'arrangement dont il s'agit au paragraphe précédent. La dite autorité mentionnera sur cette expédition, aux époques voulues, les sommes acquittées.

§ 5. L'esclave racheté peut acquitter en tout temps soit la totalité, soit une partie de ce qui est dû sur la somme à acquitter, et mettre fin par là à son engagement ou l'abréger en proportion.

§ 6. Dans le cas du § 3, l'esclave racheté de cette manière devra être considéré comme libre aussitôt que le paiement du prix du rachat, auquel il faut assimiler la convention relative à l'ajournement du paiement de ce prix, aura été acquitté. Cet esclave pourra recevoir de l'autorité compétente une lettre d'affranchissement. Son nouveau maître n'aura sur lui que le droit résultant de l'arrangement passé devant l'autorité.

§ 7. L'autorité dans le ressort de laquelle l'esclave racheté a son domicile devra veiller également à l'exacte observation de l'arrangement intervenu.

§ 8. Chacune des autorités précitées du Protectorat devra tenir un registre dans lequel elle inscrira, sous une série continue de numéros, tous les rachats qui lui auront été notifiés.

§ 9. Les infractions aux paragraphes 2 à 5 de la présente Ordonnance seront punies d'une amende de 1,000 marks au maximum, et, en cas d'insolvabilité, d'un emprisonnement qui n'excédera pas trois mois.

§ 10. La présente Ordonnance entrera en vigueur le jour de sa publication et aura un effet rétroactif sur tous les contrats qui auraient déjà été passés antérieurement, en vue d'acquitter par des services le prix du rachat.

Sebbe, le 15 Janvier, 1893.

(L.S.) DE PUTTKAMER, *Commissaire Impérial*.

ORDONNANCE du Gouverneur Impérial de l'Afrique Orientale Allemande, concernant la Concession du Pavillon Impérial aux Bâtiments indigènes, ainsi que la Confection des Rôles d'Équipage et des Listes des Passagers.—Dar-es-Salâm, le 1^{er} Mars, 1893.

(Traduction.)

Vu les Articles XXX et suivants de l'Acte Général de la Conférence Anti-Esclavagiste de Bruxelles du 2 Juillet, 1890 ;*

Vu le § 11 de la Loi du 15 Mars, 1888,† sur le Statut Juridique des Protectorats Allemands et l'Ordonnance Impériale du 28 Juillet, 1891, sur la concession du droit d'arborer le pavillon Impérial aux indigènes du Protectorat Allemand de l'Afrique Orientale ;

Vu l'approbation du Chancelier de l'Empire,

Il est ordonné par la présente ce qui suit :

§ 1. *Bâtiments indigènes. Signes distinctifs.*—La qualification de "bâtiment indigène" s'applique aux bâtiments qui présentent l'une des conditions suivantes :—

(1.) Qu'ils aient une construction et un gréement indigènes ;

(2.) Que le capitaine et la majorité des hommes de l'équipage soient des indigènes d'un des pays baignés par l'Océan Indien, la Mer Rouge ou le Golfe Persique.

§ 2. *Autorisation d'arborer le pavillon.*—Le droit d'arborer le pavillon Impérial ne peut être accordé à des bâtiments indigènes que lorsqu'ils réunissent les trois conditions suivantes :—

(1.) L'armateur ou le propriétaire doivent être des sujets ou protégés Allemands ;

(2.) Ils sont tenus de prouver qu'ils possèdent, dans le ressort de l'autorité à laquelle est adressée leur requête en concession de pavillon, une propriété foncière, ou fournir une caution suffisante en garantie des amendes qu'ils pourraient encourir ;

(3.) L'armateur ou le propriétaire du bâtiment ainsi que le capitaine de ce dernier doivent fournir la preuve qu'ils jouissent d'une bonne réputation, et notamment qu'ils n'ont jamais subi une condamnation pour faits de Traite.

§ 3. L'autorisation d'arborer le pavillon doit être renouvelée chaque année. Elle peut en tout temps être suspendue temporairement ou retirée.

§ 4. L'autorisation (attestation de pavillon) (Formule A)‡ doit contenir les indications nécessaires pour établir l'identité du bâtiment auquel elle a été accordée.

* Vol. LXXXII, page 55.

† Vol. LXXIX, page 650.

‡ Les formules ne sont pas reproduites dans le présent document.

Le capitaine en est dépositaire.

Le nom du bâtiment indigène ainsi que son tonnage doivent être incrustés en couleur et en caractères latins à l'arrière; la ou les lettres initiales de son port d'attache ainsi que le numéro signalétique de ce port doivent être reproduits en noir sur la voile.

§ 5.* *Rôles d'équipage*.—L'autorité douanière du port de départ délivrera au capitaine un rôle d'équipage. Celui-ci devra, à chaque nouveau voyage du bâtiment ou au plus tard après l'expiration d'une année, être renouvelé conformément aux dispositions suivantes :—

(1.) Le rôle d'équipage doit être vérifié au moment du départ par l'autorité qui l'a délivré ;

(2.) Aucun noir ne peut être embarqué comme matelot avant d'avoir été entendu au préalable par l'autorité, à l'effet d'établir qu'il s'est engagé librement ;

(3.) L'autorité devra veiller à ce que le nombre des matelots ou des mousses ne soit pas hors de proportion avec le tonnage du bâtiment et son gréement ;

(4.) L'autorité qui aura entendu les personnes prénommées avant le départ devra les inscrire au rôle d'équipage, en indiquant, en regard du nom de chacune d'elles, son signalement ;

(5.) Afin d'éviter les substitutions, les matelots pourront, en outre, être munis d'un signe distinctif.

§ 6.* *Listes des Passagers*.—Le capitaine qui voudra embarquer des passagers noirs devra en informer l'autorité douanière. Les passagers seront entendus et, s'il est établi qu'ils s'embarquent librement, inscrits sur une liste spéciale (Formule 3) qui indiquera, outre le nom, le signalement de chacun d'eux et spécialement sa taille et son sexe. Les enfants noirs ne pourront être embarqués comme passagers que s'ils sont accompagnés de leurs parents ou de personnes d'une honorabilité notoire. Au moment du départ, la liste des passagers sera visée par l'autorité précitée après l'appel de chacun d'eux. S'il n'y a pas de passagers à bord, le rôle d'équipage le mentionnera expressément.

§ 7.* *Prescriptions concernant l'entrée dans les Ports*.—A son arrivée dans un port de relâche ou de destination, le capitaine du bâtiment devra présenter à l'autorité douanière le rôle d'équipage et, le cas échéant, la liste des passagers. La dite autorité devra contrôler les passagers arrivés au lieu de destination ou s'arrêtant dans un port de relâche et mentionner leur débarquement sur la liste. Au départ, elle visera de nouveau le rôle d'équipage et la liste des passagers et fera l'appel de ces derniers.

§ 8.* Sur la côte de l'Afrique Orientale Allemande et dans les îles adjacentes, aucun passager noir ne pourra être embarqué à bord d'un bâtiment indigène ou en être débarqué que dans les

* See also Circular of June 20, 1893, page 661.

localités où réside une autorité douanière. Celle-ci devra assister au débarquement.

Dans les cas de force majeure où cette disposition n'aurait pu être observée, l'autorité compétente la plus rapprochée devra être avertie à l'effet de procéder à une vérification.

§ 9. Les stipulations des §§ 5 et suivants sont également applicables aux bâtiments indigènes qui n'arbovent pas le pavillon Allemand.

§ 10. *Avantages accordés aux Bâtiments non pontés.*—Les stipulations des §§ 5 et suivants ne sont pas applicables aux bâtiments non pontés entièrement, ayant un équipage de dix personnes au maximum et se trouvant dans l'une des conditions suivantes :—

(1.) S'adonner exclusivement à la pêche dans les eaux territoriales.

(2.) S'adonner au petit cabotage entre les différents ports d'une même Puissance territoriale, sans s'éloigner à plus de 5 milles de la côte.

Ces bâtiments seront munis d'une autorisation spéciale (Formule 4), qui devra être renouvelée chaque année et pourra être retirée dans les cas prévus au § 13.

§ 11. *Autorités.*—Les autorisations d'arborer le pavillon sont délivrées par les autorités de district. Toutes les autres opérations dont il s'agit dans la présente Ordonnance sont de la compétence des bureaux de douanes.

§ 12. *Droits.*—Un droit de 15 roupies sera perçu pour chaque concession d'autorisation, ainsi que pour chaque renouvellement annuel. Il sera perçu un droit de 3 roupies pour l'autorisation dont il s'agit au § 10.

§ 13. *Dispositions Pénales.*—Tout capitaine, armateur ou propriétaire de bâtiment autorisé à arborer le pavillon Allemand ou ayant obtenu l'autorisation prévue au § 10, qui sera légalement convaincu d'avoir commis ou tenté de commettre un fait de Traite, se rend passible, indépendamment d'une poursuite criminelle, du retrait immédiat de l'autorisation ou de la licence précitées. Les infractions aux stipulations de la présente Ordonnance seront punies d'un emprisonnement d'un mois au maximum et d'une amende qui ne pourra excéder 100 roupies, ou d'une de ces peines seulement.

§ 14. La présente Ordonnance entrera en vigueur le 1^{er} Avril, 1893.

Dar-es-Salâm, le 1^{er} Mars, 1893.

(L.S.) BARON DE SCHELE,

Gouverneur Impérial ad interim.

CIRCULAIRE aux Chefs des Bureaux et Bureaux Auxiliaires de Districts, ainsi qu'aux Fonctionnaires des Bureaux Principaux de la Douane (L'Afrique Orientale Allemande).—Dar-es-Salâm, le 20 Juin, 1893.

*Ordonnance complémentaire de l'Ordonnance concernant la Concession du Pavillon Impérial aux Bâtiments Indigènes, et la Confection des Rôles d'Équipage et des Listes des Passagers, du 1^{er} Mars, 1893.**

CONFORMÉMENT au § 11 de la Loi sur le Statut Juridique des Protectorats Allemands du 15 Mars, 1888, et avec l'approbation du Chancelier de l'Empire, il est ordonné ce qui suit :

§ 1. Les dispositions dont l'observation incombe, aux termes des § 5, Nos. (2) et (4), §§ 6, 7, et 8 de l'Ordonnance du 1^{er} Mars, 1893, aux capitaines de bâtiments indigènes naviguant sous pavillon Allemand, seront également applicables à ceux des territoires situés en dehors du Protectorat de l'Afrique Orientale Allemande compris dans la zone déterminée à l'Article XXI de l'Acte Général de Bruxelles du 2 Juillet, 1890;† dans ce cas, les autorités Consulaires Allemandes et, à leur défaut, les autorités territoriales seront compétentes aux lieu et place des autorités douanières de l'Empire.

§ 2. Les infractions seront punies d'un emprisonnement d'un mois au maximum et d'une amende qui n'excédera pas 100 roupies, ou d'une de ces peines seulement.

(L.S.) BARON DE SCHELE,

Gouverneur Impérial ad interim.

ORDONNANCE du Gouvernement Allemand, pour l'Exécution des dispositions de l'Acte Général de la Conférence Anti-Esclavagiste de Bruxelles.—Rade de Schillig, le 17 Février, 1893.

(Traduction.)

Nous, Guillaume, par la grâce de Dieu, Empereur Allemand, Roi de Prusse, &c.,

Vu la Loi concernant le Statut Juridique des Protectorats Allemands :

Ordonnons, au nom de l'Empire, pour l'Afrique Orientale Allemande, en exécution des Articles L à LIX de l'Acte Général

* Page 658.

† Vol. LXXXII, page 55.

de la Conférence Anti-Esclavagiste de Bruxelles, du 2 Juillet, 1890,* ce qui suit :—

§ 1. Les prescriptions suivantes seront observées pour la procédure à suivre à l'égard de bâtiments naviguant sous pavillon Allemand, qui auront été arrêtés, conformément à l'Article XLIX de l'Acte Général, par le commandant d'un croiseur étranger et amenés dans un port du Protectorat :—

I.—*Enquête.*

§ 2. L'enquête sera dirigée par le fonctionnaire chargé de l'exercice de la juridiction en première instance dans le ressort où le port se trouve situé.

§ 3. Le dit fonctionnaire sera tenu de visiter le bâtiment aussitôt qu'il lui aura été confié ; il veillera à ce qu'un inventaire soit dressé et pourvoira à la sûreté du bâtiment, des papiers de bord et de la cargaison.

Il devra relever le plus promptement possible, et en recueillant les preuves nécessaires, tous les faits présentant quelque importance à l'effet d'établir s'il existe dans l'espèce un fait d'abus de pavillon ou de Traite d'Esclaves.

§ 4. Le capitaine du bâtiment arrêté a le droit d'en appeler immédiatement de la décision qu'il y a dans l'espèce abus de pavillon ; cet appel doit être interjeté dans les trois jours à compter de la signification ; il est soumis à la décision du fonctionnaire chargé de l'exercice de la juridiction en seconde instance.

§ 5. Si l'enquête établit un fait de Traite, la procédure à suivre pour le jugement du navire doit être engagée devant l'autorité judiciaire de première instance. La sentence indiquera, avec les preuves à l'appui, les éléments constitutifs du fait de Traite.

§ 6. Si l'enquête prouve, conformément à l'Article LIII de l'Acte Général, que le bâtiment a été arrêté illégalement, il y aura lieu de fixer en même temps le chiffre de l'indemnité qui lui est due. Si dans les trois jours de la signification l'officier du croiseur étranger déclare qu'il n'accepte pas la décision relative à la légalité de l'arrestation, l'affaire sera portée devant l'autorité judiciaire de première instance. Dans le cas contraire le bâtiment sera mis en liberté.

II.—*Jugement.*

§ 7. L'autorité judiciaire, à laquelle l'affaire est remise, peut, en tout temps, faire procéder à de nouvelles constatations.

* Vol. LXXXII, page 55.

§ 8. La procédure a lieu oralement, avec le concours de deux assesseurs.

Elle commence par un exposé de l'affaire fait par un rapporteur. Il est procédé ensuite à l'audition de l'officier du croiseur et du capitaine du bâtiment arrêté, dans leurs explications et conclusions. L'affaire peut être jugée même en l'absence de l'officier du croiseur ou du capitaine du bâtiment arrêté, quand ils ont été cités régulièrement. Le jugement prononcé passe en force de chose jugée ; il doit être signifié à l'une et à l'autre des parties.

III.—*Dispositions Générales.*

§ 9. Pour autant que la présente Ordonnance n'en a pas décidé autrement, on appliquera à la procédure les dispositions correspondantes en vigueur en matière de procédure pénale.

§ 10. L'officier du croiseur étranger a le droit d'être présent aux différents interrogatoires et vérifications nécessaires à la constatation du fait.

§ 11. L'officier du croiseur étranger et le capitaine du bâtiment arrêté peuvent se faire remplacer par un fondé de pouvoirs.

Si la signification du jugement aux personnes indiquées à la section 1^{re} ne peut avoir lieu au siège de l'autorité judiciaire de première instance, elle aura lieu par la voie ordinaire de l'affichage.

La signification sera considérée comme accomplie à l'expiration du deuxième jour qui aura suivi l'affichage.

§ 12. La prestation de serment des témoins et experts aura lieu lors de la première audition. Il est laissé à la libre appréciation du juge de décider s'il convient de faire prêter serment au capitaine et aux autres hommes de l'équipage du bâtiment arrêté.

§ 13. La procédure a lieu sans frais ni droits de timbre.

En original, signé de notre main et muni du sceau Impérial.

Donné en rade de Schillig, le 17 Février, 1893, à bord du cuirassé *König Wilhelm*.

(L.S.) GUILLAUME.

COMTE DE CAPRIVI.

ORDONNANCE du Gouvernement Danois, concernant la Répression de la Traite des Nègres.—Copenhague, le 3 Juillet, 1835.

(Traduction.)

(Extrait.)

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§ 17. Tout sujet Danois qui aura été convaincu d'avoir armé un navire pour la Traite des nègres, soit seul, soit conjointement avec d'autres, sera puni de deux à cinq ans de détention dans une maison de correction, à condition toutefois que le navire ait été arrêté avant son départ pour le lieu à destination duquel il a été frété. Il est bien entendu que cette disposition sera applicable aussi bien si le port où le navire aura été frété est étranger que s'il s'agit d'un port Danois.

§ 18. Si le navire n'avait été arrêté qu'après avoir quitté le port, la peine sera de dix à vingt ans de travaux forcés.

§ 19. Seront punis des peines établies aux §§ 17 et 18 ceux qui auront prêté assistance à un marchand d'esclaves en lui procurant des nègres destinés à être exportés et vendus comme esclaves.

§ 20. Quiconque aura pris service comme capitaine ou subrécargue à bord d'un navire qu'il sait avoir été frété pour la Traite des nègres sera puni de deux à cinq ans de détention dans une maison de correction, si le navire a été arrêté avant de partir pour sa destination.

§ 21. Si le navire n'est arrêté qu'après avoir pris la mer, la peine sera de cinq à dix ans de travaux forcés; elle sera de dix à vingt ans de la même peine si des opérations de Traite ont déjà eu lieu. Ces mêmes peines seront appliquées à toute personne, ne figurant pas sur le rôle d'équipage, qui aura rempli les fonctions de capitaine ou de subrécargue.

§ 22. Les officiers de navires qui se seront rendus complices de faits de Traite, dans l'un des cas mentionnés aux §§ 20 et 24, encourront une peine égale à la moitié de celles établies dans les dits paragraphes. La participation de l'équipage sera passible d'une peine égale à la moitié de celle qui, dans les mêmes circonstances, serait applicable aux officiers.

Les peines prévues au présent paragraphe seront la détention dans une maison de correction, lorsque leur durée n'excédera pas cinq ans, et les travaux forcés dans le cas contraire.

§ 23. Toute personne qui aura fourni de l'argent pour fréter un navire destiné à la Traite des nègres, qui aura procuré des hommes d'équipage, qui aura signé une assurance du bâtiment ou de sa cargaison ou qui aura sciemment contribué par quelque moyen

à semblable entreprise, sera punie de un à cinq ans de détention dans une maison de correction.

§ 24. Si, par impossible, un fonctionnaire Danois était convaincu d'avoir favorisé ou tenté de favoriser une entreprise aussi honteuse, il encourra, indépendamment de la perte de son emploi, le maximum des peines stipulées dans les §§ 17, 18, 19 et 23. De même, chacune des infractions prévues dans les §§ 17 à 23 entraînera pour son auteur la déchéance de son rang ou de toute autre distinction honorifique dont il pourrait être revêtu.

§ 25. Tout mauvais traitement exercé sur un nègre par celui qui se sera rendu coupable de participation à la Traite constituera pour ce dernier une circonstance aggravante. Si les mauvais traitements sont de nature à entraîner la peine des travaux forcés, établie par notre Ordonnance du 4 Octobre, 1833, cette dernière peine sera ajoutée à celle des travaux forcés appliquée en exécution de la présente Ordonnance, à moins que les faits ne soient possibles des travaux forcés à perpétuité.

§ 26. Tout navire destiné ou employé à la Traite des nègres sera confisqué, ainsi que sa cargaison, à moins que son propriétaire (ou celui de la cargaison) n'ait ignoré la destination du navire.

Si par un moyen quelconque on parvenait à soustraire le navire à la confiscation, les armateurs ou toute autre personne visée par le § 23, qui se serait rendue coupable de complicité dans les faits de Traite, seront passibles d'une amende égale à la valeur de l'objet qui aurait été soumis à la confiscation. Cette amende sera due solidairement; toutefois, dans le cas où elle ne pourrait être acquittée de cette manière, chacun sera condamné à subir une détention équivalente à sa quote-part de l'amende. Si l'un des coupables était à même de payer au delà de sa quote-part, ce surplus sera déduit à parts égales de la quote-part à payer par les autres délinquants.

§ 27. Si le navire avait été construit ou aménagé dans des conditions telles qu'on pût craindre qu'il continuât à être employé pour la Traite des nègres ou à servir à tout autre objet illicite, il ne pourra être vendu qu'après avoir été rendu impropre à l'usage prohibé.

Dans tous les cas de confiscation, une partie du produit net de la vente du navire et de la cargaison sera remise au Gouvernement du pays du bâtiment capteur pour être répartie par ses soins entre les officiers et l'équipage; cette partie de la somme est fixée, aussi longtemps qu'il n'en sera pas décidé autrement, à 65 pour cent du produit net. Si la saisie a été opérée par un croiseur Danois, le partage se fera conformément aux règles établies par nos Règlements Maritimes.

Les 35 pour cent restants du produit net de la vente seront versés au trésor à titre de dédommagement pour les dépenses occasionnées par les arrangements relatifs à l'abolition de la Traite des nègres. Si la confiscation ou l'amende ont été prononcées conformément au § 26, et sans que la capture du navire ait précédé, le montant en appartiendra au trésor; mais si le délit a été découvert avec le secours d'un particulier, celui-ci aura droit à la moitié des sommes indiquées dans le cas où il exigerait une récompense.

§ 28. S'il est établi qu'un homme de l'équipage d'un navire frété pour la Traite des nègres ignorait, au moment où il est monté à bord, le but illicite des opérations du dit navire et qu'il n'a pas eu depuis lors l'occasion de le quitter, il ne pourra encourir aucune peine, à condition, bien entendu, qu'il n'ait pris d'autre part à l'entreprise que d'acquitter des services auxquels il ne pouvait se soustraire. Il aura d'ailleurs le devoir, aussitôt débarqué dans un port Danois ou dans toute autre localité où se trouve un Consul Danois, de rendre compte de tout ce qui s'est passé, dans le premier cas à l'autorité locale, dans le second au Consul. Dans les localités étrangères où il n'y aurait pas d'Agent Consulaire Danois, le rapport devra être fait à un fonctionnaire de la justice ou à une autre autorité locale.

Toute personne se trouvant dans les circonstances susindiquées, qui laisserait s'écouler quatorze jours sans avoir rempli l'obligation dont il s'agit, sera présumée avoir volontairement coopéré au délit; mais, s'il existe des circonstances atténuantes en sa faveur, la peine qui lui sera appliquée pourra être moins sévère que celle établie au § 22.

§ 29. Outre le cas prévu par le § 28, ne sera pas punissable tout homme de l'équipage (ce qui ne comprend pas le capitaine, le subrécargue ou les officiers du navire) qui fera la déclaration dont il est question ci-dessus dans les quatorze jours au plus tard, après être descendu à terre et avant toute arrestation ou toute instruction sur les faits délictueux.

§ 30. Quiconque sera convaincu d'avoir caché, acheté, ou vendu après la publication de la présente Ordonnance un esclave introduit dans nos Colonies sera puni, si le fait est découvert dans l'année qui aura suivi l'introduction de l'esclave, de cinq ans de détention au maximum dans une maison de correction.

PROTOCOL between Great Britain, Belgium, Denmark, Germany, and the Netherlands, respecting the Non-ratification by France of the North Sea Liquor Traffic Convention of November 16, 1887, and amending Article XI as regards the Duration of that Convention.—Signed at the Hague, February 14, 1893.

[See Vol. LXXIX, page 894. Foot-note.]

ORDONNANCE du Roi d'Espagne, concernant les Droits d'Importation et d'Exportation dans le Port de Sainte-Isabelle de Fernando-Po.—Madrid, le 2 Août, 1893.

(Traduction.)

(Extrait.)

VU les pièces relatives à l'approbation du Tarif des Douanes pour la Colonie de Fernando-Po :

Sa Majesté le Roi, et en son nom la Reine-Régente du Royaume, conformément aux propositions du Conseil des Philippines et des possessions Espagnoles du Golfe de Guinée, a décidé ce qui suit —

ART. 1^{er}. Sont admis en franchise les produits nationaux importés dans la Colonie sous pavillon national, à l'exception des armes, munitions, boissons alcooliques, et des produits énumérés aux Articles 2 et 3.

Pour bénéficier de la franchise dont il s'agit, les intéressés devront présenter le certificat d'origine établissant la nationalité des produits.

2. Ne seront assujettis aux droits d'importation que les articles ci-après :—

Nos.	Désignation des Marchandises.	Articles étrangers importés sous pavillon étranger.	Articles étrangers importés. sous pavillon national et articles nationaux importés sous pavillon étranger.
		Pour cent.	Pour cent.
5	Alcools	100	75
6	Vins	15	10
8	Poudre	100	100
9	Armes à feu— Modernes	100	100
	A silex	100	100
10	Capsules	100	100
11	Plomb de chasse, chevrotines, &c. ..	100	100

Les taxes en pour cent seront converties en droits spécifiques ou fixes, en prenant pour base le pour cent sur la valeur moyenne des articles rendus à Fernando-Po et augmentés des frais qui les grèvent au point de destination. Ce calcul sera effectué par les soins des autorités réunies, sur l'avis du Conseil des Notables de la localité et des négociants que l'on croira devoir consulter, après l'approbation du Gouverneur-Général et moyennant l'assentiment du Ministère des Finances.

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5. En cas de doutes sur l'application du Tarif, les Ordonnances Générales des Douanes de la Péninsule, en tant qu'elles seront applicables, seront adoptées comme législation supplémentaire.

6. Sont abolis les droits de chargement, de déchargement, et de passagers.

7. Les droits de capitainerie de port et de patente de santé seront régis par les Ordonnances Générales des Douanes.

8. L'administration et la perception de ces taxes accessoires sera effectuée par les soins du Conseil des Notables, et le tiers des recettes lui sera affecté.

9. Elles ne seront perçues que dans le port de Sainte-Isabelle, qui est le seul port officiellement reconnu à Fernando-Po, et dans ses dépendances, exception faite pour le port d'Elobey, où les commerçants acquittent une patente spéciale.

10. Les armes, la poudre, et les munitions continueront, comme dans le passé, à être déposées sur le ponton *Ferrolana*, ainsi qu'en a décidé le Conseil des Autorités Locales. Ce dépôt sera effectué pour le compte, le risque, et sous la responsabilité des importateurs, et aucune espèce d'arme ou de munitions importées ne pourra sortir

du dépôt public sans l'autorisation préalable du Gouvernement de la Colonie, ainsi que cela a été stipulé dans l'Article IX de l'Acte Général de la Conférence de Bruxelles,* qui interdit dans la Colonie l'établissement de dépôts particuliers.

Le nouveau Tarif n'entrera en vigueur que six mois après sa publication dans la "Gaceta de Madrid."

Par ordre du Roi, soit porté ce qui précède à votre connaissance, aux fins d'exécution, &c.

Madrid, 2 Août, 1893.

(L.S.) MAURA, *Gouverneur-Général de Fernando-Po
et de ses dépendances.*

NOTE from the United States' Legation at Brussels to the Belgian Minister of Foreign Affairs, respecting the Importation of Arms and Spirits into Africa under the Brussels Act of 1890.—Brussels, November 25, 1893.*

COUNT,

Brussels, November 25, 1893.

ARTICLE XII of the General Act between the United States and other Powers for the repression of the African Slave Trade and the restrictions of the importation into, and sale in, a certain defined zone of the African Continent, of fire-arms, ammunition, and spirituous liquors, signed at Brussels on the 2nd July, 1890, provides that the Powers are to propose to their respective Legislative Bodies the measures necessary to secure the punishment of infringers of the prohibitions contained in Articles VIII and IX of the said Act.

I have the honour to inform your Excellency's Government that, in accordance with this provision, the matter will be brought by the President of the United States to the attention of Congress at the forthcoming Session.

I avail, &c.,

Count de Merode-Westerloo.

JAS. S. EWING.

* Vol. LXXXII, page 55.

ARRÊTÉ du Commissaire-Général Français, portant création d'une Taxe de Consommation sur les Poudres, Munitions, et Armes dans le Congo Français.—Libreville, le 11 Février, 1893.

NOUS, Commissaire-Général du Gouvernement au Congo Français, Officier de la Légion d'Honneur;

Vu l'Article 51 de l'Ordonnance Organique du 7 Septembre, 1840;

Vu le Décret du 30 Janvier, 1867, concernant les pouvoirs des Gouverneurs et Commandants des Colonies en matière de contributions et de taxes;

Vu le Décret du 11 Décembre, 1888;

Vu la Loi du 11 Janvier, 1892, portant application au Gabon des Tableaux (A) et (B) du Tarif Général des Douanes de France;

Vu le Décret du 29 Novembre, 1892, fixant les exceptions au dit Tarif;

Vu notre Arrêté du 10 Janvier, 1893, promulguant dans la Colonie les Loi et Décret immédiatement précités;

Vu les nécessités budgétaires;

Sur la proposition du Directeur de l'Intérieur;

Le Conseil d'Administration entendu,

Avons arrêté et arrêtons :

ART. 1^{er}. A partir du jour de la publication du présent Arrêté au "Journal Officiel" de la Colonie, les armes et munitions, désignées au Tableau ci-annexé, dont l'importation est autorisée dans la région de la Colonie ne faisant point partie du Bassin Conventionnel du Congo, seront soumises au paiement des taxes de consommation indiquées dans le dit Tableau.

2. Les dispositions des Articles 2, 3, et 4 de notre précédent Arrêté du 29 Décembre, 1892,* concernant la perception des taxes de consommation sur les spiritueux, sont applicables au présent.

3. Le Directeur de l'Intérieur est chargé de l'exécution du présent Arrêté, qui sera publié et enregistré partout où besoin sera et inséré aux "Journal" et "Bulletin" Officiels de la Colonie.

Libreville, le 11 Février, 1893.

Pour le Commissaire-Général absent :

CH. DE CHAVANNES, *Lieutenant-Gouverneur.*

Par le Commissaire-Général du Gouvernement :

A. LIPPMANN, *Directeur de l'Intérieur.*

Désignation des Marchandises.	Unités.	Droits.	Observations.
		Fr. c.	
Armes de traite, fusils à silex sans hausses ni rayures ..	Pièce	1 00	
Armes autres autorisées—			
A tir rapide (chasse) ..	„	5 00	
A tir rapide (guerre) ..	„	5 00	
Revolvers et autres armes ..	„	3 00	
Capsules	Le kilog. (net) ..	5 00	
Cartouches vides (de toute sorte)	„	2 00	
Cartouches pleines (de toute sorte)	Le 100	5 00	
Plomb de chasse	100 kilog. (brut). ..	5 00	
Poudre de traite	Le kilog. (net) ..	0 25	
Poudre de chasse	„	2 00	

ARRÊTÉ de l'Administrateur Français, concernant l'Importation, la Vente, et le Transport des Armes à Feu et Munitions, dans la Colonie de Nossi-Bé et Dépendances.—Hell-Ville, le 6 Décembre, 1893.

Nous, Administrateur Principal de Nossi-Bé ;

Vu l'Article 51 de l'Ordonnance Organique du 7 Septembre, 1840 ;

Vu l'Article 8 du Décret Organique du 1^{er} Juillet, 1890 ;

Vu les instructions Ministérielles parvenues dans la Colonie à la date du 5 Décembre courant ;

Avons arrêté et arrêtons :

ART. 1^{er}. L'importation, la vente, le transport d'armes à feu quelconques, de la poudre, des balles, et des cartouches sont interdits dans la Colonie de Nossi-Bé et dépendances.

2. Peuvent être autorisés la vente, le transport des fusils à silex non rayés et des poudres communes, dites de traite.

3. Les contraventions aux dispositions qui précèdent seront punies d'un emprisonnement qui ne pourra excéder quinze jours et d'une amende de 100 fr. au maximum.

Dans tous les cas la confiscation des armes et munitions saisies sera prononcée.

4. Le présent Arrêté sera enregistré, communiqué partout où besoin sera, inséré et publié aux " Bulletin " et " Moniteur " Officiels de la Colonie.

Hell-Ville, le 6 Décembre, 1893.

ARRÊTÉ du Gouvernement Français, concernant l'Importation, la Vente, et le Transport des Armes à Feu et Munitions dans la Colonie de Diégo-Suarez et Dépendances.—Antsirane, le 7 Décembre, 1893.

LE Gouverneur par intérim de la Colonie de Diégo-Suarez et dépendances ;

Vu la dépêche du 29 Novembre, 1893 ;

Vu l'Article 3 du Décret du 6 Mars, 1877, sur l'application aux Colonies du Code Pénal Métropolitain ;

Sur la proposition du Secrétaire-Général, par intérim,

Arrêtons :

ART. 1^{er}. L'importation, la vente, le transport, et la détention d'armes à feu quelconques, de la poudre, des balles, et des cartouches sont interdits dans la Colonie de Diégo-Suarez, sauf dans les cas et sous les conditions ci-après déterminés.

2. Les armes à feu et les munitions à l'usage des troupes, de la police, ou de toute autre force publique, ne sont pas soumises aux dispositions du présent Arrêté.

3. La vente, le transport, et la détention des fusils à silex non rayés et des poudres communes, dites de traite, pourront être autorisés par nous.

4. A titre purement individuel, l'importation, le transport, et la détention des armes à feu perfectionnées et de leurs munitions, c'est-à-dire, d'autres que les fusils à silex non rayés et les poudres communes, dites de traite, pourront être exceptionnellement autorisés par nous.

Cette autorisation sera accordée seulement aux personnes offrant une garantie suffisante que l'arme et les munitions qui leur seraient délivrées ne seront pas données, cédées, ou vendues à des tiers.

5. Les armes à feu et les munitions quelconques déjà importées dans la Colonie et celles qui y seront exceptionnellement importées devront être, soit déposées dans des entrepôts publics, soit laissées à la garde des importateurs, à la charge par eux de les présenter à toute réquisition de l'autorité.

A cet effet les commerçants devront faire par écrit la déclaration détaillée de toutes les armes et munitions existant actuellement dans leurs magasins et de celles qu'ils pourraient exceptionnellement recevoir postérieurement à la promulgation du présent Arrêté.

6. Elles ne pourront être retirées des entrepôts ou des magasins particuliers que sur notre autorisation.

7. Toute personne convaincue d'avoir contrevenu aux dispositions

du présent Arrêté sera punie d'une amende de 50 fr. à 100 fr. et d'un emprisonnement de cinq à quinze jours. L'Article 463 sera applicable.

Toute condamnation entraînera la confiscation des armes et des munitions irrégulièrement détenues, importées, ou vendues.

8. Le présent Arrêté, immédiatement exécutoire, sera soumis à l'approbation du Département.

9. Le Secrétaire-Général est chargé de l'exécution du présent Arrêté, qui sera communiqué et enregistré, publié et affiché partout où besoin sera.

Antsirane, le 7 Décembre, 1893.

ARRÊTÉ du Commissaire-Général Français, portant fixation de Taxes de Consommation perçues sur les Spiritueux dans le Congo Français.—Libreville, le 29 Décembre, 1892.

NOUS, Commissaire - Général du Gouvernement au Congo Français, Officier de la Légion d'Honneur,

Vu l'Article 51 de l'Ordonnance Organique du 7 Septembre, 1840 ;

Vu le Décret du 30 Janvier, 1867, concernant les pouvoirs des Gouverneurs et Commandants des Colonies en matière de contributions et de taxes ;

Vu le Décret du 11 Décembre, 1888 ;

Vu les nécessités budgétaires ;

Sur la proposition du Directeur de l'Intérieur ;

Le Conseil d'Administration entendu ;

Avons arrêté et arrêtons :

ART. 1^{er}. A compter de l'application du Tarif Général des Douanes, les spiritueux, eau-de-vie, et liqueurs désignés au Tableau ci-annexé, importés dans la région de la Colonie ne faisant point partie du Bassin Conventionnel du Congo, seront soumis au paiement des taxes de consommation indiquées dans le dit Tableau.

2. Les taxes de consommation seront perçues sur les spiritueux, eau-de-vie, et liqueurs dénommés à ce Tarif, quels qu'en soient l'origine, la provenance, et le pavillon importateur.

3. Le service des douanes est chargé pour le compte du service local d'assurer la liquidation et la perception des dits droits de consommation.

4. Les dispositions législatives et réglementaires relatives aux
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douanes seront applicables aux droits de consommation en tout ce qui concerne les déclarations, la mise en entrepôt, le contentieux, la liquidation et la perception des droits, et le cabotage.

5. Le Directeur de l'Intérieur est chargé de l'exécution du présent Arrêté, qui sera publié et enregistré partout où besoin sera et inséré aux " Journal " et " Bulletin " Officiels de la Colonie.

Libreville, le 29 Décembre, 1892.

Pour le Commissaire-Général absent :

CH. DE CHAVANNES, *Lieutenant-Gouverneur*.

Par le Commissaire-Général du Gouvernement :

A. LIPPMANN, *Directeur de l'Intérieur*.

TARIF des Taxes de Consommation applicables dans la Partie Nord du Congo Français (Arrêté local du 29 Décembre, 1892).

Désignation des Marchandises.	Unités.	Droits.
		Fr. c.
Spiritueux, eau-de-vie, et liqueurs à 50 degrés et au-dessus	Hectol. ..	60 00
Spiritueux, eau-de-vie, et liqueurs de 25 à 49 degrés	„ ..	36 00
Spiritueux, eau-de-vie, et liqueurs de traite titrant moins de 25 degrés ..	„ ..	24 00
Liqueurs autres	„ ..	36 00

NOTA.—Les liquides importés en dames-jeannes, touques, ou autres vases de l'espèce seront traités de la même manière que ceux présentés dans des bouteilles.

Les contenances des bouteilles seront déterminées d'après les bases suivantes :—

Seront considérées contenir 0·50 litre, celles d'une contenance atteignant 0·50 litre inclusivement ;

Seront considérées contenir 1 litre, celles d'une contenance de 0·50 à 1 litre inclusivement ;

Seront considérées contenir 1½ litre, celles contenant de 1 litre exclusivement à 1½ litre inclusivement ;

Seront considérées contenir 2 litres, celles contenant de 1½ litre exclusivement à 2 litres inclusivement ;

Et ainsi de suite, passant de la fraction ½ à l'unité.

NOTE adressée par le Sous-Secrétaire d'État des Colonies à MM. les Gouverneurs du Sénégal, de la Guinée Française et Dépendances, d'Obock et du Congo Français, concernant la Traite des Esclaves, et l'Importation des Armes à Feu, et les Spiritueux.—Paris, le 13 Avril, 1892.

M. LE GOUVERNEUR,

Paris, le 13 Avril, 1892.

LES Représentants de seize Puissances réunis à Bruxelles sur l'initiative du Gouvernement Belge ont, dans une Conférence Internationale, élaboré un ensemble de dispositions destinées à combattre la Traite des Esclaves sur le continent Africain. Déjà par l'Acte Général de Berlin du 26 Février, 1885,* les Puissances s'étaient engagées à réprimer la Traite dans le Bassin Conventionnel du Congo. Mais pour ne pas conserver à cette déclaration le caractère d'une manifestation platonique, il fallait la généraliser et la sanctionner par une série de mesures qui eussent pour effet d'entraver partout le Trafic des Esclaves et de rendre impossibles les opérations de Traite.

Tel est le but que se sont proposé les Plénipotentiaires de Bruxelles dont les délibérations ont abouti à la rédaction de l'Acte Général et de la Déclaration du 2 Juillet, 1890.† La France qui, la première parmi les nations Européennes, a proclamé l'abolition de l'esclavage, qui, dans le cours du dix-neuvième siècle, s'est constamment efforcée d'améliorer la condition de la race noire, ne pouvait, sans rompre avec une politique traditionnelle, dont elle se fait gloire, se désintéresser des travaux de la Conférence. Les territoires qu'elle occupe en Afrique, les intérêts considérables qu'elle y doit défendre l'obligeaient, en outre, à prendre une large part à des délibérations où les questions les plus graves allaient être débattues. Elle s'est donc associée à l'œuvre civilisatrice de la Conférence, où elle s'est efforcée de faire prévaloir ses doctrines et dont elle a finalement approuvé les décisions. La Chambre des Députés et le Sénat ont, en effet, autorisé, les 22 et 26 Décembre derniers, la ratification de l'Acte Général, à l'exception des Articles XXI à XXIII et XLII à LXI inclusivement, et de la Déclaration du 2 Juillet, 1890. Par Décrets du 2 Janvier et du 2 Février, 1891, M. le Président de la République a, sous réserve des Articles non approuvés, consacré cette ratification.

C'est le texte de ces documents ainsi ratifiés que j'ai l'honneur de porter à votre connaissance. Suivant l'expression du Rapporteur de la Commission à la Chambre des Députés, ils constituent "l'effort le plus considérable qui ait été encore fait par les nations civilisées contre une des pires formes de la barbarie."

* Vol. LXXVI, page 4.

† Vol. LXXXII, page 55.

Ainsi que vous le verrez, l'Acte Général pourvoit à l'interdiction de la Traite dans les lieux où elle prend naissance : sur les voies terrestres, sur les voies maritimes, dans les pays où s'effectue l'importation des esclaves. Pour rendre la répression plus efficace, il prohibe, en outre, l'importation des armes à feu dans une zone déterminée par l'Article VIII. Enfin, dans un but humanitaire, et pour éviter parmi les populations indigènes l'abus des boissons alcooliques, le Chapitre VI vise à restreindre dans l'étendue de la même zone le commerce des spiritueux.

Quant à la Déclaration du 2 Juillet, 1890, elle a trait au régime douanier à instituer dans le Bassin Conventionnel du Congo.

Conformément à l'Article Final de l'Acte Général, et le délai pour le dépôt des ratifications ayant été prolongé jusqu'au 2 Février dernier, l'ensemble de ces dispositions est de plein droit exécutoire soixante jours après cette dernière date, soit le 2 Avril, 1892. Il y a donc lieu de se préoccuper sans délai des mesures que doit comporter leur application.

C'est spécialement sur les Articles de l'Acte Général relatifs à la répression de la Traite sur terre que je dois appeler votre attention. Vous devrez veiller avec soin à ce que les dispositions ayant trait à la vente et au transport des esclaves sur le continent Africain, à la protection des esclaves libérés ou fugitifs, soient exactement suivies.

Il vous appartiendra de donner aux autorités administratives et judiciaires toutes les instructions de détail nécessaires pour faire disparaître, par une police plus vigilante et une répression plus sévère, les derniers vestiges de la Traite. Vous serez sans doute suffisamment armé à cet égard par la législation déjà en vigueur, jointe aux dispositions de l'Acte Général. Si toutefois l'expérience démontre l'existence d'infractions que le législateur n'a pas prévues, ou l'insuffisance de certaines pénalités, vous devrez m'en aviser le plus tôt possible, afin que, s'il y a lieu, des mesures soient prises conformément à l'Article V pour remédier à ces imperfections de la loi.

Ainsi que vous le verrez également, les territoires placés sous votre autorité se trouvent compris dans la zone déterminée par les Articles VIII et XCI de l'Acte Général et soumis, comme tels, à l'interdiction de l'importation des armes à feu et à l'établissement de droits sur les spiritueux. L'Administration devra se conformer exactement, à cet égard, aux dispositions des Articles VIII et suivants et à celles du Chapitre VI. Vous voudrez bien me faire connaître dans le plus bref délai quelles mesures vous aurez prises pour en assurer la stricte exécution. Si, dans cet ordre d'idées, la législation en vigueur dans la Colonie et la réglementation locale

ne vous semblent pas suffisantes pour répondre aux intentions manifestées par les Puissances, en particulier dans l'Article XII, vous aurez à me soumettre à ce sujet telles propositions que vous jugerez utiles.

Vous n'aurez pas, au contraire, à vous inquiéter des dispositions de l'Acte Général relatives à la répression de la Traite sur mer, qui font l'objet du Chapitre III et sont applicables seulement sur la Côte Orientale d'Afrique.

Enfin, pour permettre au Gouvernement Français de se conformer sur ce point aux prescriptions des Articles XI, LXXXI et suivants, je vous serai très obligé de me communiquer, le plus tôt possible, en même temps qu'un rapport d'ensemble sur la mise en vigueur de l'Acte Général de Bruxelles, les différents textes de Lois et Règlements destinés à en assurer l'application dans la Colonie, en même temps que des renseignements statistiques concernant la Traite, les esclaves arrêtés et libérés, le trafic des armes, des munitions, et des alcools.

En appelant votre attention sur l'importance de l'Acte qui va être mis en vigueur, et des résultats qui en découleront, au point de vue des progrès de la civilisation en Afrique, je vous prie de tenir personnellement la main à la complète exécution des présentes instructions.

Recevez, &c.,

JAMAIS.

ORDINANCE of the Government of Sierra Leone, to empower the Governor to authorize the withdrawal for exportation of certain Arms and Ammunition imported into the Colony.

[Assented to, February 10, 1893.]

WHEREAS it is desirable that the Governor should be empowered to authorize the withdrawal from the Customs warehouse for exportation of all fire-arms and ammunition which, by the operation of section 1 of "The Fire-arms, Ammunition, and Gunpowder Amendment Ordinance, 1892," have been made subject to the provisions of "The Fire-arms, Ammunition, and Gunpowder Ordinance, 1892;”*

Be it therefore enacted by the Governor of the Colony of Sierra Leone, with the advice and consent of the Legislative Council thereof as follows :—

1. From and after the passing of this Ordinance it shall be lawful for the Governor, notwithstanding anything in "The Fire-arms, Ammunition, and Gunpowder Ordinance, 1892," and "The Fire-arms, Ammunition, and Gunpowder Amendment Ordinance, 1892,"

contained, to authorize the withdrawal of all fire-arms and ammunition imported into the Colony and bonded in the Customs warehouse on or before the date of the Proclamation of "The Fire-arms, Ammunition, and Gunpowder Ordinance, 1892," from the said warehouse for exportation to any place not within the zone specified in the VIIIth Article of the General Act of the Brussels Conference dated the 2nd July, 1890,* upon guarantees being given by the importers thereof that such fire-arms and ammunition will not be reintroduced into any place within the said zone.

2. All fire-arms and ammunition withdrawn under this Ordinance are hereby exempted from, and shall not be liable to, the payment of Customs duties and warehouse-rent.

3. This Ordinance may be cited for all purposes as "The Fire-arms and Ammunition Exportation Ordinance, 1893," and shall be read and construed with "The Fire-arms, Ammunition, and Gunpowder Ordinance, 1892," and "The Fire-arms, Ammunition, and Gunpowder Amendment Ordinance, 1892," and they may be cited for all purposes as "The Fire-arms, Ammunition, and Gunpowder Ordinances, 1892-93."

Passed in the Legislative Council of Sierra Leone, this 9th day of February, 1893.

JACOB W. M. LEWIS, *Clerk of Legislative Council.*

I assent to this Ordinance this 10th day of February, 1893.

(L.S.) F. FLEMING, *Governor.*

NOTE from the British Legation at Brussels to the Belgian Minister of Foreign Affairs, on the Operation of the Sierra Leone Fire-arms Ordinance, 1892.†—Brussels, September 1, 1893.

M. LE MINISTRE,

Brussels, September 1, 1893.

IN accordance with instructions which I have received from the Earl of Rosebery, I have the honour to inform your Excellency that the Collector of Customs of Sierra Leone states that, owing to the operation of "The Fire-arms and Ammunition Ordinance, 1892," which was passed to give effect in the Colony to the General Act of the Brussels Conference, there was a falling off in the receipts of the Colony during the first half of the current year in—

	£					
Guns of all kinds.. ..	..	..	..	..	..	1,334
Gunpowder .. ..	..	..	..	..	..	118
Cartridges and rifle balls .. ..	..	..	..	..	..	541

In the same period there was a decrease in the quantity of spirits entered for home consumption of 8,123 gallons as compared with the amount in the corresponding period of 1892.

I should be much obliged if your Excellency would be so good as to communicate the above information to the International Slave Trade Bureau, and avail, &c.,

Count de Mérode-Westerloo.

F. R. PLUNKETT.

REGULATION issued by the Royal Niger Company, on the subject of the Importation of Spirits into the Niger Territories.—London, January 26, 1893.

[No. 38, 1893.]

WHEREAS it is the policy of the Company to diminish whenever possible the region into which the importation of spirituous liquors is permitted;

And whereas in Regulation No. 35 (1890), the "inland regions," into which the importation of spirituous liquors was prohibited, were taken to include all places within the Company's jurisdiction on or to the north of the 7th parallel of north latitude:

The following Regulation is hereby duly made this 26th day of January, 1893:—

(a.) This Regulation may be cited as "The Liquors Further Prohibition Regulation, 1893," or, numerically, as "Regulation No. 38 (1893)."

(b.) The parallel of latitude passing through the Igara Bank, situated near Asaba, shall henceforth be taken in lieu of the 7th parallel of north latitude, as the northward limit for the importation of spirituous liquors, and the regions to the north of the said parallel of the Igara Bank shall henceforth be held to be included in the "inland regions," referred to in clause (b) of Regulation No. 35 (1890), which Regulation shall in other respects continue in full force, and shall be read with the amendment hereby provided.

(c.) This Regulation shall come into force immediately on promulgation by the Executive Authority in the Niger territories.

Given under the seal of the Company, this 26th day of January, 1893.

(L.S.) GEORGE TAUBMAN-GOLDIE,

Deputy Governor.

SCARBROUGH, *Member of the Council.*

*CONVENTION between Great Britain and the South African Republic, relative to the Affairs of Swaziland.—Signed at Cape Town, November 1, and at Pretoria, November 8, 1893.**

WHEREAS Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and his Honour the State President of the South African Republic, as representing the Government of the said Republic, have agreed that it is expedient that they should enter into a Convention relative to the affairs of Swaziland in substitution of the Convention of 1890,† which terminates on the taking effect of the arrangements contemplated in this Convention :

Now, therefore, Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and his Honour the State President of the South African Republic, as representing the Government of the said Republic, hereby consent and agree that the following Articles, accepted finally by and between Her Majesty and his Honour, shall, when duly signed, sealed, and executed by Her Majesty's High Commissioner for South Africa on behalf of Her Majesty and by his Honour the State President of the South African Republic on behalf of the Government of the said Republic, and, when duly ratified by the Volksraad of the South African Republic, constitute and be a Convention by and between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and the South African Republic :—

ART. I. The Convention of 1890 between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and the South African Republic, with the exception of Articles X and XXIV thereof, shall, on the 8th day of August, 1893, cease and determine, and the Articles of this Convention shall have force and effect, but the provisions of all or any of the Articles of the said Convention of 1890 may, with the consent of Her Majesty's High Commissioner and the State President of the South African Republic, be continued in force for a further period, to be mutually arranged, pending the completion of the Convention or Organic Proclamation provided for in Article II of this Convention.

II. Her Majesty's Government agrees, notwithstanding anything to the contrary contained in Articles II or XII of the Convention of London of 1884,‡ or in the Convention of 1890, that the Government of the South African Republic may enter into negotia-

* A further Convention, in substitution of the Convention of 1890 and of this Convention, was concluded on December 10, 1894. It will be given in Vol. LXXXVI.

† Vol. LXXXII, page 1062.

‡ Vol. LXXV, page 5.

tions with the Swazie Queen Regent and Council with a view to obtaining a Convention or an Organic Proclamation by which rights and powers of jurisdiction, protection, and administration over Swazieland, without incorporation thereof into the said Republic, may be conferred upon and secured to the last-mentioned Government, but no such Convention or Organic Proclamation would be entitled to recognition from Her Majesty's Government unless the said Government were satisfied—

(a.) That the Swazie Queen Regent and Council understood the nature, terms, Articles, and conditions thereof;

(b.) That just provisions have been made for the protection of the Swazie natives with regard to the management of their own internal affairs according to their own laws and customs, including the laws and customs of inheritance and succession in so far as the said laws and customs are not inconsistent with civilized laws and customs, or with any law in force in Swazieland made pursuant in such Convention or Organic Proclamation, and with regard to their continued use and occupation of land now in their possession, and of all grazing or agricultural rights to which they are at present entitled.

III. In the event of any such Convention or Organic Proclamation as aforesaid being approved of by Her Majesty's Government, the following Articles of this Convention shall be binding upon the Government of the South African Republic.

IV. All British subjects residing in Swazieland, or having in Swazieland any property, grant, privilege, or concession, or any right, title to, or interest in any property, grant, privilege, or concession, shall be secured in the future enjoyment of all their rights and privileges of whatsoever nature or kind in like manner as burghers of the South African Republic, but shall obey the Government and conform to the laws established for Swazieland.

V. Every white male who shall have been a *bonâ fide* resident in Swazieland (even if temporarily absent from Swazieland) on the 20th April, 1893, shall become and be entitled to all the political privileges of a full burgher of the South African Republic as though he had been born in that Republic. Provided, however—

(a.) That every white male shall make application in writing to an officer to be appointed at Bremersdorp, in Swazieland, by the Government of the said Republic, to have his name enrolled upon a list of persons so entitled, and upon satisfactory proof, by a true and solemn declaration, of his *bonâ fide* residence in Swazieland on the aforesaid day, such declaration to be made within six months from the date of public notification of the appointment of such officer as aforesaid, such officer shall be bound to enrol his name on such list, and such list shall be the list of burghers of the South African

Republic, so admitted under this head of this Article to the privileges aforesaid.

(b.) That every white son of any person admitted to the privileges of a burgher under the preceding paragraph of this Article, which son shall have been a minor on the aforesaid date, shall be entitled to the like political privileges which he would have had if his father had been a natural-born burgher of that Republic, and he himself had been born therein, provided that the right under this section shall be claimed by such minor from the Government of the South African Republic by notice in writing within twelve months from his attaining his majority.

(c.) That every person admitted as a burgher shall, while resident in Swazieland, be entitled to register his vote at any election when and where a burgher resident in some convenient district of the South African Republic adjoining Swazieland would be entitled to vote, such district to be determined by the Government of the South African Republic, and if thereafter he shall come to reside in any district of the South African Republic, such person shall there be entitled to register his vote.

VI. The equal rights of the Dutch and English languages in all Courts of Swazieland shall be maintained. This provision shall be in force so long as the administration of Swazieland by the Government of the South African Republic continues under the provisions of the Convention or Organic Proclamation referred to in Article II.

VII. The customs duties shall not be higher in respect of any article imported into Swazieland than the duty thereon according to the tariff at present in force in the South African Republic or the tariff at present in force in the South African Customs Union, whichever is now the higher. This provision shall be in force so long as the administration of Swazieland by the Government of the South African Republic continues under the provisions of the Convention or Organic Proclamation referred to in Article II. No individual or individuals, Corporation or Company, shall have exclusive rights or privileges with regard to imposition of or exemption from customs duties on goods.

VIII. The Government of the South African Republic agrees to prohibit the sale or supply of intoxicating liquor to Swazie natives in Swazieland.

IX. No railway beyond the eastern boundary of Swazieland shall be constructed by the Government of the South African Republic save under the provisions of a further contemplated Convention between Her Majesty the Queen and the South African Republic, or with the consent of Her Majesty's Government.

X. Articles X and XXIV of the Convention of 1890 are here again set forth for convenience of reference:—

“Article X. The Government of the South African Republic withdraws all claim to extend the territory of the Republic, or to enter into Treaties with any natives or native tribes to the north or north-west of the existing boundary of the Republic, and undertakes to aid and support by its favouring influence the establishment of order and government in those territories by the British South Africa Company within the limits of power and territory set forth in the Charter granted by Her Majesty to the said Company.

“Article XXIV. Her Majesty’s Government consent to an alteration of the boundary of the South African Republic on the east so as to include the territory known as the Little Free State within the territory of the South African Republic.”

XI. Her Majesty’s Government reserves the power of exercising diplomatic representation in favour of Swazie natives or British subjects in case any provision of the Convention or Organic Proclamation referred to in Article II shall not be fairly and faithfully observed.

XII. This Convention will be ratified by the Volksraad of the South African Republic on or before the 30th day of June, 1894, and in default of such ratification this Convention shall be null and void.

Signed and sealed at Cape Town, this 1st day of November, 1893.

(L.S.) HENRY B. LOCH, *High Commissioner for South Africa.*

Signed and sealed at Pretoria, this 8th day of November, 1893.

(L.S.) S. J. P. KRUGER, *State President of the South African Republic.*

REGULATIONS issued by the British Commissioner and Consul-General respecting the Importation, Exportation, and Disposal of Fire-arms, Ammunition, &c., and the Traffic in Spirituous Liquors in the British Central Africa Protectorate.—Zomba, August 1893.

NOTICE.

WHEREAS under the provisions of § 99 of “The Africa Order in Council, 1889,”* as amended by “The Africa Order in Council, 1893,”† the Consul-General has power to make Queen’s Regulations

* Vol. LXXXI, page 301.

† Page 1050.

for peace, order, and good government, and for securing the observance of any Treaty for the time being in force relating to any place to which the said Orders apply;

And whereas Her Majesty is a party to the General Act of the Brussels Conference, signed at Brussels on the 2nd July, 1890;*

And whereas, for the better carrying out of the said General Act, it is expedient that regulations should be made respecting the importation, exportation, and disposal of fire-arms, ammunition, and gunpowder to, from, and in the British Central Africa Protectorate, and respecting the traffic in spirituous liquors; and respecting Customs and licence duties:

It is hereby notified that the Consul-General has, in pursuance of the powers aforesaid, made the following—

Regulations.

A duty of 10 per cent. *ad valorem* on guns, gunpowder, and ammunition.

(The importation or purchase of guns, gunpowder, and ammunition is subject to the restrictions laid down in the Brussels Act, Articles VIII, IX, and X.)

The importation of all forms of alcohol (*i.e.*, any beverage in which alcohol is present) is placed under the following restrictions:—

Alcohol can only be imported if the importer can produce a special licence signed by Her Majesty's Commissioner and Consul-General or his representative, which will be discretionally granted to Europeans and other foreigners requiring alcohol for their personal use, for medical or for scientific purposes, or for sale to Europeans: *vide* Regulations.

When alcohol is imported under these conditions it will be subject to the usual 5 per cent. *ad valorem* duty, in addition to the cost of the licence to import.

Licence to possess or carry any gun, rifle, pistol or other fire-arm, 1*l*.

(This licence lasts for five years without renewal. It is issued in accordance with the provisions of the Brussels Act. This licence is obligatory on all persons whom Her Majesty's Commissioner permits to bear arms, excepting when the person is using the fire-arm in the service of Her Majesty the Queen, in the army, navy, or police, or is serving in a similar capacity under the British South Africa Chartered Company.)

Licence to trade, 10*l*. per annum.

Special licence to import alcohol, 2*s*. 6*d*.

(Each separate importation requires a separate licence. Each

* Vol. LXXXII, page 55.

licence will clearly state the amount allowed, and no more can be admitted without another licence, nor can the licence be used to cover more than one consignment. Her Majesty's Commissioner reserves to himself the right to refuse to grant these licences.)

Licence to sell any form of alcohol or beverage containing alcohol to Europeans only, 10*l.* per annum.

(Only available for one fixed establishment or place of sale which will be named on the licence. A fresh licence must be taken out for each further establishment or place of sale distant more than one mile from the first named.)

Perambulating licence, authorizing the holder to sell alcohol to Europeans only, anywhere within British Central Africa (except in those districts where the sale may be forbidden by Her Majesty's Commissioner, 100*l.* per annum).

Her Majesty's Commissioner reserves to himself the right to forbid the sale of alcohol to Europeans in any part of British Central Africa for any length of time which may seem needful to him in the interests of the public good; but in such cases, if the prohibition should extend to a longer period than one month, a rebate at the rate of 10*s.* a-month will be allowed to the holders of licences for specified places on each licence affected by the prohibition. No rebate, however, will be granted in the case of perambulating licences.

Licence to import or to purchase fire-arms or ammunition, 2*s.* 6*d.*

(Each separate importation or purchase requires a separate licence. Each licence will state the amount allowed, and no more can be admitted or purchased without another licence, nor can the licence be used to cover more than one consignment. Her Majesty's Commissioner reserves to himself the right to refuse to grant these licences.)

Prohibited Actions.

The sale or gift of alcohol to natives of British Central Africa in any form whatever is absolutely forbidden, except when given by a qualified medical man as medicine.

The sale, assignment, or gift of guns, pistols, gunpowder, caps, cartridges, or any form of fire-arm or ammunition is absolutely forbidden, except on the presentation of a permit to purchase, signed by Her Majesty's Commissioner and Consul-General, which permit will only be granted under exceptional circumstances.

Penalties for Non-observance or Breach of these Regulations.

Any breach of any one of the Regulations above set forth, or of any part of their conditions, or failure to comply with them or with

any part of their conditions, are offences against "The Africa Order in Council, 1889," and will be punishable accordingly.

Zomba, August 1893.

H. H. JOHNSTON, *Her Majesty's Commissioner
and Consul-General.*

Note.—The Brussels Act, on which these Regulations are founded, came into force on the 2nd April, 1892. Merchants and others interested in British Central Africa are advised to obtain copies of the Act and carefully study its provisions.

REGULATIONS issued by order of His Highness the Sultan of Zanzibar, respecting the Trade in Fire-arms, Ammunition, and Liquors in the British Protectorate lying between the Tana and Juba Rivers, East Africa.

[Approved by Her Majesty's Government, October 13, 1893.]

THE import, manufacture, and sale of fire-arms, ammunition, powder, and caps is prohibited. Exceptions will only be made on the production of a signed permit from the Administrator, on the conditions prescribed by the Regulations in force in Zanzibar. Such permits will be subject to a stamp duty of 1 rupee.

The import of alcoholic liquors is prohibited. Exceptions will only be made in the case of limited quantities for the use of Europeans who provide a sufficient guarantee that the liquors imported are for their own personal consumption.

The retail trade in alcoholic liquors is prohibited altogether.

The standard of measurement for alcoholic liquors is that in force in Zanzibar.

NOTICES issued by the Acting Administrator of the Imperial British East Africa Company, applying to the Company's Territory the Orders issued in Zanzibar regulating the Traffic in Spirituous Liquors, Fire-arms, Ammunition, &c.—Mombasa, November 1, 1893.

NOTICE.

THE Orders dated Zanzibar, the [?] 27th May, 1893, and the 31st May, 1893 [? 1892], and published in the "Zanzibar Gazette" of the 27th September, viz.:—

1. Regulations respecting the importation, exportation, storage, and disposal of fire-arms, ammunition, and gunpowder ;*

2. Regulations concerning the traffic in spirituous liquors ;†

Have now been applied to the territory under the administration of the Company with the following alterations, viz. :—

For Her Britannic Majesty's Diplomatic Agent and Consul-General, read the Administrator ;

For Zanzibar and Pemba, read the Company's territory ;

For the Protectorate, read the Company's territory ;

For Government of Zanzibar, read the Company's ;

For City of Zanzibar, read Company's territory ;

For General Mathews, &c., read the Administrator Superintendent of District.

Copy of these orders can be seen between the hours of 9 and 10 A.M., and 1 and 3 P.M. (except on Saturdays) at Mombasa, in the Custom-house and in the Court ; and at the offices of the District Superintendents at Wanga (Chuyu), Malindi, Lamu, Kisumu, and at the Custom-house at Takaungu.

Mombasa, 1st November, 1893.

J. R. W. PIGOTT, *Acting Administrator*.

NOTICE.

Sale of Spirituous Liquors.

WHEREAS the licences issued in accordance with the Notice dated the 26th day of September, 1892,‡ have lapsed. All persons dealing in spirituous liquors are hereby required to take out fresh licences in the terms laid down in the order referred to in the Notice published this day, viz. :—

“Licences for sale of any alcoholic, spirituous, distilled, or fermented liquors will be issued (subject to the approval of the Administrator) on the following scale :—

“Class I.—Licence for sale of all such intoxicating liquors, either wholesale or retail, to be consumed either on or off the premises between the hours of 6 A.M. and midnight, 500 rupees.

“Class II.—Licence for sale of all such intoxicating liquors, either wholesale or retail, to be consumed either on or off the premises between the hours of 6 A.M. and 8 P.M., 400 rupees.

“Class III.—Licence for sale of all such intoxicating liquors, to be consumed only on the premises between 6 A.M. and midnight, 300 rupees.”

Any person selling spirituous liquors, or other liquors as above,

* Page 689.

† Page 691.

‡ Vol. LXXXIV, page 406.

without a licence after fourteen days from this date will be liable to prosecution.

The notice dated the 26th day of September, 1892, above referred to, is hereby cancelled.

Mombasa, 1st November, 1893.

J. R. W. PIGOTT.

NOTICE.

Sale of Spirituous Liquors.

THE fees for licences for the sale of spirituous and other liquors, as set forth in the Notice dated the 1st November, have been reduced as follows :—

								Rupees.
Class I	..	..	..	..	..	..	..	400
Class II	..	..	..	..	..	..	..	200
Class III	..	..	..	..	..	..	..	150

This reduction is only applicable to the current year, viz., the 1st November, 1893, to the 31st October, 1894.

J. R. W. PIGOTT, *Acting Administrator.*

REGULATIONS respecting the Trade in Fire-arms, &c., in the British Protectorate of Zanzibar.—Zanzibar, September 27, 1893.

WHEREAS, under the provisions of "The Zanzibar Order in Council, 1888,"* as amended by "The Zanzibar (Jurisdiction) Order in Council, 1893,"† the Consul-General has power from time to time to make Regulations for peace, order, and good government, and for enforcing the observance of any Treaty or Convention to which Her Majesty may be a party, and for enforcing the observance of any local Law or Decree for the time being in force, made by or under the direction of the Sultan of Zanzibar:

And whereas Her Majesty is a party to the General Act of the Brussels Conference signed at Brussels on the 2nd July, 1890:‡

And whereas the Sultan of Zanzibar has made certain Regulations for the better carrying out of the provisions of the said General Act respecting the importation, exportation, and disposal of fire-arms, ammunition, and gunpowder to, from, and in the British Protectorate of Zanzibar, and respecting the traffic in spirituous liquors:

* Vol. LXXIX, page 1060.

† Page 1051.

‡ Vol. LXXXII, page 55.

It is hereby notified that the Consul-General has, in pursuance of the powers aforesaid, made the following—

Regulations.

1. Subject to the provisions of these Regulations, the said Regulations made by the Sultan of Zanzibar, copies of which are appended in the Schedule hereto, and numbered 1 and 2 respectively, are made binding upon all British subjects and British-protected persons.

2. A British subject or British-protected person charged with any breach or contravention of the said Regulations shall be prosecuted in the Consular Court, and on conviction shall be liable to be punished as prescribed by "The Zanzibar Order in Council, 1888," that is to say, with fine which may extend to 1,000 rupees, or with imprisonment which may extend to two months, or both, and shall also be liable, in cases of contravention of the Arms Regulations, to confiscation of the arms, ammunition, &c.; and in cases of contravention of the Traffic in Spirituous Liquor Regulations, if he is the holder of a licence, to the forfeiture of his licence.

3. The provisions of these Regulations as to penalties shall apply whether any penalty is or is not provided in the said Regulations in respect of the breach or contravention, and whether any penalty so provided is greater or less than the penalty by the said Order in Council.

This Regulation shall come into force seven clear days from the publication thereof.

September 27, 1893.

RENNELL RODD, *Her Britannic Majesty's Acting
Diplomatic Agent and Consul-General, Zanzibar.*

SCHEDULE 1.

Regulations respecting the Importation, Exportation, Storage, and Disposal of Fire-arms, Ammunition, and Gunpowder in the British Protectorate of Zanzibar and Pemba Islands.—Zanzibar, May 27, 1893.

1. ALL fire-arms, ammunition, and gunpowder imported into these islands shall be deposited at the cost, risk, and peril of the person or persons importing the same in such public warehouse or warehouses as may be appointed by the Collector of Customs for that purpose.

2. No fire-arms, ammunition, or gunpowder shall be withdrawn from such a public warehouse except on the written authority of the Collector of Customs by Her Britannic Majesty's Diplomatic Agent and Consul-General.

In every such authorization the number and description of guns and quantity of cartridges or powder to be withdrawn shall be specified in writing.

3. All fire-arms, kegs of powder, and cases of cartridges so withdrawn shall

be registered and stamped with a distinctive mark and number, and a fee for such registration and stamping shall be charged at the rate of 1 rupee per gun, pistol, &c., or per keg of powder or case of cartridges.

4. No authorization to withdraw any arms or ammunition shall be given except with the written concurrence of Her Britannic Majesty's Agent and Consul-General, and in the following cases only:—

(a.) To persons affording guarantees to the satisfaction of the competent local authorities that the fire-arms or ammunition will not be given, assigned, or sold to third persons, without the permission of the responsible authority;

(b.) To travellers provided with a declaration of their Government stating that the fire-arms and ammunition are destined exclusively for their personal defence;

(c.) In cases where such arms, &c., prescribed are guaranteed, to the satisfaction of the responsible authorities, to be destined for immediate exportation to some ports outside the limits of the zone specified by Article VIII of the aforesaid General Act, provided always that no such permission shall be given whenever, in the opinion of the responsible authorities, there is ground for suspicion that the arms or ammunition may be fraudulently brought back into any part of the prohibited zone;

(d.) Where, if the arms are destined for the African coast, for Government service, or for the use of Mission Stations, the demand for authorization for withdrawal is accompanied by a written statement from the competent authority of the port of destination showing that their importation will be permitted.

In all these cases the arms, &c., so withdrawn shall be subject to the provisions of Article 3 as regards registration, stamping, &c.

5. No sale or transfer of fire-arms or ammunition may take place in Zanzibar or Pemba without the written permission of the responsible authorities; all arms, &c., so sold and transferred must be registered and stamped in accordance with the terms of Article 3.

6. For the purpose of preventing fraud, all persons who at the present time are in possession of fire-arms, &c., shall, before the 1st day of July next, 1893, bring the same to the Collector of Customs, or to such other person or persons as may be appointed for the purpose, to be registered and marked in accordance with the conditions laid down in Article 3. All fire-arms, &c., not so registered and marked after the 1st day of July next shall be deemed to have been imported into the country subsequently to the publication of these Regulations, and the proprietor will render himself liable to the penalties hereinafter set forth.

7. The storage of arms, &c., in the public warehouses appointed for the purpose will be free of charge for six months from the date of landing. At the expiration of six months, storage rent will be charged at the rate of 1 anna per gun, and 2 annas per case of cartridges or keg of powder, per month.

The proprietor of the guns can have access to them for the purpose of cleaning them at any time between the hours of 8 A.M. and midday, and 2 P.M. and 4 P.M., on giving notice in writing twenty-four hours beforehand to the Director of Customs. No charge will be made if the proprietor carries out the cleaning with his own people; but the cleaning may be done at his request by the Custom-house authorities, at a charge of 1 anna per gun. This charge may be increased when the guns are in very bad condition.

8. Fire-arms and ammunition imported by the Government of Zanzibar for the use of its regular troops or police force are exempted from the provisions of this Regulation.

9. Any infraction of any of the provisions of these Regulations shall be followed by the confiscation of the arms, ammunition, &c., and by the rigorous prosecution of the offender before the competent authority.

10. In these Regulations the word "fire-arms" includes any cannon, gun, rifle, machine-gun, revolver, pistol, or other fire-arm, whether whole or in detached pieces.

"Ammunition" includes cartridges, balls, powder, caps, and all other materials for loading fire-arms.

"Importer" or "person importing" includes any owner or other person for the time possessed of or beneficially interested in any fire-arms, ammunition, or gunpowder imported into the Protectorate.

By order of His Highness the Sultan,

(L.S.) L. W. MATHEWS, *First Minister of the Government.*

May 27, 1893.

RENNELL RODD, *Her Britannic Majesty's Acting
Diplomatic Agent and Consul-General, Zanzibar.*

SCHEDULE 2.

Regulations concerning the Traffic in Spirituous Liquors.—Zanzibar, May 31, 1892.

No alcoholic or other intoxicating liquors may be sold without a licence from the proper authority of the Government with the following exceptions:

In the city of Zanzibar no such licence shall be necessary for the sale of any intoxicating liquor in its original casks or packages as imported, or in small quantities as *bonâ fide* samples. But this provision is restricted to sales made to and samples supplied to holders of licences only.

Licences for sale of any alcoholic, spirituous, distilled, or fermented liquors will be issued on the following scale:—

Class I.—Licence for sale of all such intoxicating liquors either wholesale or retail, to be consumed either on or off the premises between the hours of 6 A.M. and midnight, 500 rupees.

Class II.—Licence for sale of all such intoxicating liquors either wholesale or retail, to be consumed either on or off the premises between the hours of 6 A.M. and 8 P.M., 400 rupees.

Class III.—Licence for sale of all such intoxicating liquors to be consumed only on the premises between 6 A.M. and midnight, 300 rupees.

The above-mentioned hours may be extended for one night at a time only by special permission on application to the proper authority by the holder of the licence.

Any infraction of the terms of the licence or of any of the conditions contained in Articles XC to XCV of the General Act of the Brussels Conference, or any rules and regulations which may hereafter be made by the proper authority, will be followed by the confiscation of the licence and by the prosecution of the offender.

Application for licences under the said General Act must be sent in to General L. W. Mathews, First Member of the Zanzibar Government, and must clearly state the nature and class of licence applied for.

Each licence shall be valid for one year only from the date of issue.

The Zanzibar Government claims the right both of refusing to grant a

licence, and of refusing to grant the particular class for which application is made.

The above Regulations will be strictly enforced on and after the 8th June, 1892.

Licences will be granted subject to the approval of Her Britannic Majesty's Diplomatic Agent and Consul-General.

May 31, 1892.

(L.S.) LLOYD W. MATHEWS, *First Minister of the Government of the Sultan of Zanzibar.*

DÉCRET du Gouverneur de la Colonie Érythrée, concernant le Commerce des Armes à Feu et des Munitions.—Massana, le 22 Janvier, 1893.

(Traduction.)

NOUS, Oreste Baratieri, Gouverneur de la Colonie Érythrée,

Vu le Décret Royal du 8 Décembre, 1892, sur l'organisation de la sécurité publique dans la Colonie ;

Vu la Loi du 13 Juillet, 1892, No. 377, donnant pleine et entière exécution à l'Acte Général de la Conférence de Bruxelles pour la répression de la Traite des Esclaves ;

Vu la nécessité de régler ce qui concerne l'application des Articles relatifs aux armes :

Décrétons :

1. Pour vendre, céder ou donner des armes à feu ou des munitions, il faut l'autorisation du Gouverneur, sollicitée par l'intermédiaire de l'Office de l'Intérieur.

2. Les concessions qui existent actuellement pour le commerce des armes à feu et des munitions sont caduques à partir du 1^{er} Février, 1893. Elles peuvent être renouvelées et accordées aux citoyens Italiens par le Gouverneur.

Dans ce cas, les armes et les munitions doivent être déposées au commandement local de l'artillerie, sauf celles que le Gouverneur permet de garder dans le commerce.

Les déposants paieront un droit annuel de dépôt d'une lire par arme et par quantité de 1,000 cartouches ou capsules, de 10 kilog. de poudre, et de 50 kilog. de plomb, et fractions moindres.

La Société de Tir, organisée sous le drapeau national, peut, avec l'autorisation du Gouverneur, avoir un dépôt particulier d'armes, en se conformant pour les enregistrements à ce que prescrit l'Article 5.

3. Les marchands d'armes auxquels le renouvellement de la concession a été refusé doivent également déposer les armes et les munitions au commandement de l'artillerie, jusqu'à ce qu'ils les

aient cédées à un autre négociant autorisé, ou exportées en dehors des territoires indiqués à l'Article VIII de l'Acte de Bruxelles.*

4. Tous les Européens doivent porter les armes à feu qu'ils possèdent à l'Office de l'Intérieur, pour Massaua ; aux commandements de districts, pour Asmara et Keren ; au commandement de la garnison, pour Arkiko, et au Commissariat Royal, pour Assab, les 15, 16, 17 Février prochain, pour être poinçonnées à la crosse et enregistrées.

5. Les marchands d'armes à feu doivent tenir un registre spécial, conforme au modèle annexé au présent Décret, dans lequel ils inscriront les armes à feu qu'ils ont en entrepôt, ainsi que les estampilles et numéros dont elles sont marquées, et à chaque vente le nom de l'acheteur, la date de la vente et la date de l'autorisation d'achat donnée par le Gouverneur. Les mêmes inscriptions doivent être faites pour les munitions.

6. Dans les cinq premiers jours de chaque semestre les registres des marchands doivent être portés pour vérification à l'Office de l'Intérieur.

7. Pour le permis de port d'arme et de chasse, il n'est rien changé aux mesures actuellement en vigueur.

Massaua, le 22 Janvier, 1893.

O. BARATIERI, *Gouverneur*.

MODÈLE du Registre d'Armes.

No. d'Ordre.	Nature de l'Arme.	Lettre et Numéro de Marque.	Nom de l'Acheteur.	Date de Vente.	Date du Permis du Gouverneur à l'Acquisition.

MODÈLE du Registre de Munitions.

No. d'Ordre.	Nature des Munitions.	Quantité.	Nom de l'Acheteur.	Date de Vente.	Date du Permis du Gouverneur à l'Acquisition.

RÈGLEMENT édicté par le Gouverneur de la Colonie Érythrée, concernant la Navigation des Bâtiments Indigènes.—Massaua, le 16 Avril, 1893.

(Traduction.)

Nous, Oreste Commandeur Baratieri, Gouverneur de la Colonie Érythrée,

Vu la Loi du 13 Juillet, 1892, qui donne pleine et entière exécution dans le Royaume d'Italie aux mesures établies par l'Acte de Bruxelles* pour la répression de la Traite des Esclaves;

Approuvons le Règlement ci-annexé pour la navigation des bâtiments indigènes d'Érythrée, et le mettons en vigueur sur tout le territoire de la Colonie, y compris le Commissariat d'Assab.

Massaua, le 16 Avril, 1893.

Règlement pour la Navigation des Bâtiments Indigènes.

1. Tous les actes de nationalité et les permis de naviguer sous pavillon Italien, accordés jusqu'à ce jour à des propriétaires ou armateurs de bâtiments indigènes, sont périmés le 1^{er} Juin, mais ils peuvent être renouvelés jusqu'au 31 Août inclus de la présente année par ceux qui réunissent les conditions stipulées aux Articles suivants :—

2. Les indigènes de la Colonie Érythrée, propriétaires ou armateurs de sambouques ou de tous autres bâtiments indigènes, ne peuvent naviguer sans l'acte de nationalité, lequel donne le droit

et impose le devoir de naviguer ou faire naviguer sous pavillon Italien.

3. Les demandes en obtention de l'acte de nationalité doivent être adressées à la Capitainerie de Massaua, ou à la délégation du port d'Assab, et accompagnées des documents suivants :

(a.) Déclaration que le propriétaire ou l'armateur est sujet Italien ;

(b.) Attestation qu'il jouit d'une bonne réputation et qu'il n'a jamais été impliqué dans des faits ayant rapport à la Traite ;

(c.) Titre de propriété du bâtiment ;

(d.) Documents prouvant que le propriétaire ou l'armateur possède des immeubles dans la Colonie, ou qu'il est en mesure de fournir la caution prescrite, ou qu'il peut présenter une personne notoirement solvable et résidant dans la Colonie, qui consente à répondre pour lui vis-à-vis du Gouvernement ;

(e.) Indications générales et caractéristiques concernant le navire.

Pour les documents indiqués aux lettres (a), (b), (c), (d), les intéressés s'adresseront au Bureau Politico-Militaire ou au Commissariat Royal d'Assab.

La caution à verser pour naviguer sous pavillon Italien est de 200 liras si la valeur du bâtiment est supérieure à 1,000 liras, et de 100 liras si la valeur du bâtiment est inférieure à 1,000 liras.

4. L'acte de nationalité est délivré par le Gouverneur de la Colonie, sur la proposition de la Capitainerie du port.

Il est valable pour une année, terme après lequel il doit être renouvelé par les soins du propriétaire ou armateur.

Il est suspendu ou retiré quand le propriétaire ou l'armateur manque à l'observation des présentes dispositions, et il cesse ses effets quand le bâtiment change de nom ou de tonnage.

Dans le cas où l'acte de nationalité serait perdu ou détruit, le capitaine du bâtiment doit en faire la déclaration dans le plus bref délai à la Capitainerie du port de Massaua.

5. Outre les documents prescrits pour les navires en général, et l'acte de nationalité (Annexe A), les bâtiments indigènes doivent être munis des papiers de bord suivants :—

(a.) Rôle d'équipage (Annexe B) ;

(b.) Manifeste des passagers noirs (Annexe C).

6. Le rôle d'équipage est remis au Capitaine du bâtiment dans le port d'attache par l'autorité du port, laquelle doit faire la visite du navire au moment du départ.

Le capitaine du bâtiment à son entrée dans les ports d'escale ou dans celui de destination doit présenter le rôle d'équipage à l'autorité du port (indiquée à l'Article 12), laquelle, au moment du départ du bâtiment, y apposera son visa.

Le rôle d'équipage est renouvelé à chaque armement et après chaque période de douze mois.

7. Le manifeste des passagers noirs est exigé quand le capitaine d'un bâtiment embarque des personnes de couleur, et il est délivré par l'autorité du port de départ, après les constatations prescrites.

Au moment du départ du bâtiment, celui-ci doit être visité par l'autorité précitée.

Le manifeste doit, tant dans les ports d'escale que dans celui de destination, être présenté à l'autorité du port ; celle-ci, après vérification, y apposera son visa au moment du départ, et se bornera à y mentionner les passagers noirs débarqués ou embarqués.

8. Tout bâtiment indigène doit porter les indications suivantes :—

(a.) Sur la poupe, le nom et le tonnage ;

(b.) Sur les voiles, l'initiale du port d'attache et le numéro du rôle sous lequel il a été inscrit.

Ces indications doivent être inscrites en caractères Latins ; la traduction en langue indigène peut figurer à côté de ces dernières.

9. Sur le territoire de la Colonie, aucun propriétaire ou armateur ne peut engager des nègres comme matelots s'il ne les présente au préalable à l'autorité chargée de délivrer et de viser le rôle d'équipage.

10. Aucun capitaine de bâtiment ne peut embarquer des passagers de couleur sans en faire la déclaration expresse à l'autorité chargée de délivrer le manifeste des passagers, et en avoir obtenu l'autorisation.

Les enfants noirs ne peuvent être embarqués s'ils ne sont accompagnés par des parents ou par une personne d'honorabilité notoire.

11. Les bâtiments indigènes ne peuvent aborder que dans les ports de la Colonie ci-après indiqués :—

Macaulilè ;

Taclai ;

Emberemi ;

Massaua ;

Arkiko ;

Gheddam (four) ;

Zula ;

Arena Murissa ;

Meder ;

Edd ;

Beilul ;

Assab ;

Raheita ;

Arafali ;

Et dans tous les ports des îles.

Aucun bâtiment ne peut aborder sur un autre point de la côte, sauf le cas d'absolue nécessité quand il s'agit de se mettre à l'abri des tempêtes.

Toutefois, les propriétaires ou armateurs qui ont leur résidence dans une localité de la côte non dénommée ci-dessus peuvent être autorisés à y avoir leurs bâtiments, quand ils en font la demande à la Capitainerie du port de Massaua, ou à la délégation du port d'Assab, et pourvu qu'ils prouvent qu'ils ont à cet endroit leur demeure habituelle, sous la réserve toutefois que la chose ne présente pas d'inconvénients, ce dont l'autorité Italienne est seul juge.

12. Les autorités chargées d'apposer le visa et d'introduire les modifications nécessaires au rôle d'équipage et au manifeste des passagers sont celles ci-après établies pour chaque port :—

Taclai, le Commandant du Poste Militaire des Habab ;

Emberemi, Abd-el-Kader, Scheik d'Emberemi ;

Massaua, le Capitaine du Port ;

Arkiko, le Délégué du Port ;

Gheddam (four), Trusnich ;

Zula, Mohamed Zebibi ;

Arafali, Mahmud-Uold-Mohamed ;

Macaulilè, Negus Mohamed Gheder ;

Arena-Murissa, Mohamed Ambis ;

Meder, Gaas Mohamed ;

Edd, Eddu Mahmud ;

Beilul, Hussein Achitu ;

Assab, le Délégué du Port ;

Raheita, Hummed Dini ;

Archipel Dahlac (Nocra), le Délégué du Port ;

Dissé, Mohamed Ibrahim ;

Baca, Salek Hamed ;

Hanachil, Omar Hassan.

Les bâtiments indigènes qui partent des divers ports de l'archipel Dahlac doivent faire viser leurs papiers de bord à Nocra.

13. Le capitaine d'un bâtiment indigène, en haute mer, doit, s'il en reçoit sommation d'un navire de guerre, s'arrêter et, à la demande du dit navire, justifier de sa nationalité, exhiber les papiers de bord, consentir à la visite de l'équipage et du chargement, et enfin, s'il lui en est donné ordre, suivre le navire de guerre dans l'un des ports Italiens ou étrangers le plus proche. Il doit se soumettre aux mêmes mesures dans les ports où il n'existe pas d'autorité de port ou de Consulat Italien, à la demande d'un navire de guerre ou de l'autorité territoriale de la nation à laquelle le port appartient.

Dans chaque cas le capitaine doit exiger que l'autorité qui a fait

les sommations dresse un procès-verbal, dans lequel il pourra faire les observations qu'il jugera convenables. Au premier port de relâche le capitaine du bâtiment indigène doit faire rapport de ce qui s'est passé à l'autorité compétente.

14. Quiconque, trois mois après la promulgation du présent Règlement, n'aurait pas obtempéré aux prescriptions qu'il renferme, peut encourir une ou plusieurs des peines mentionnées dans l'Article 15 ci-après.

15. Les contraventions aux prescriptions du présent Règlement sont punies—

D'une amende de 10*l.* à 50*l.* ;

D'une peine de 51*l.* à 300*l.* ;

Du séquestre du bâtiment ;

De la suspension du permis de navigation pour un à trois mois ;

De la suppression du permis de navigation ;

Selon la gravité du cas et sans préjudice des autres peines que les contrevenants pourraient encourir en se rendant coupables de crimes de Traite d'Esclaves.

16. L'amende et la peine jusqu'à 150 livres sont infligées par le Capitaine du Port de Massaua, les autres peines par le Gouverneur, sur la proposition du dit Capitaine du Port.

ANNEXE (A).

Marine Marchande d'Érythrée.

Acte de Nationalité.

LE Gouverneur de la Colonie Érythrée, en vertu des pouvoirs lui conférés,

Décète :

Que la sambouque , de la capacité de tonneaux,
longue de mètres, large de mètres, et profonde de mètres,
appartenant à l'indigène , et inscrite dans le port de ,
sous le No. est admise à faire partie de la marine marchande de la Colonie
Érythrée, et autorisée à porter le pavillon national.

Les autorités maritimes et Consulaires et les commandants des navires royaux laisseront au susdit bâtiment liberté de naviguer et de commercer, et lui accorderont, en cas de besoin, aide et protection.

Massaua, le , 18 .

, Gouverneur.

Transferts de Propriété.	Inscriptions et Retrait de Gages et de Comptes Maritimes.

, Capitaine du Port.

ANNEXE (B).

Capitainerie Royale du Port de Massana.

RÔLE d'équipage de la sambouque	de	tonneaux,
au No. d'inscription appartenant à	capitaine	.

NOTE du Ministère des Affaires Étrangères d'Italie relative à l'Application, dans la Colonie Érythrée, de l'Acte Général de Bruxelles.—Communiquée au Département des Affaires Étrangères à Bruxelles, le 26 Décembre, 1893.*

Le dénombrement et le poinçonnage des armes à feu effectués le premier semestre, ainsi que les dispositions prises simultanément en vue de régler l'introduction, la vente et la cession gratuite ou onéreuse des armes et des munitions, ont mis le Gouvernement en mesure de se rendre compte d'une manière aussi exacte que possible de la répartition des armes dans la Colonie, d'en régler l'importation et d'en surveiller l'usage.

Le Tableau suivant permet de juger du nombre des armes à feu qui se trouvent dans la Colonie Érythrée. Il ne faut naturellement pas y comprendre les armes appartenant à l'État et confiées aux Chefs des bandes indigènes à notre solde pour la garde de la frontière du côté des Derviches et de l'Abyssinie.

COLONIE ÉRYTHRÉE.

TABLEAU des Armes à Feu possédées individuellement et se trouvant dans la Colonie.

Districts.	Européens.		Indigènes.	
	Militaires.	Non-Militaires.	Militaires.	Non-Militaires.
Massaua	35	367	12	594
Asmara	21	103	3	2,538
Keren	46	71	..	130
Arkiko	2	5	1	161
Assab .. .. .	..	10	..	15
	104	556	16	3,438
	660		3,454	
	4,114			

On peut affirmer qu'il ne se fait dans la Colonie et par son territoire aucun autre commerce d'armes et de munitions que celui qui est permis par nos autorités. Celles-ci accordent de temps en temps des permissions spéciales aux Européens comme aux indigènes.

Le commerce autorisé est très restreint et se réduit, pour ainsi dire, à celui des armes et des munitions de chasse. Le Gouvernement, en effet, est très hostile aux livraisons d'armes de guerre aux indigènes, même à ceux qui peuvent présenter le plus de garanties. Bien que le Négus d'Abyssinie et le Sultan de Aussa aient, par notre intermédiaire, adhéré à l'Acte Général de la Conférence de Bruxelles, on n'a pas cru devoir laisser le commerce des armes et des munitions dans nos ports libre pour eux. Grâce à la surveillance incessante qu'exercent nos inspecteurs et aux croisières établies le long de la côte, la quantité d'armes qui pénètrent dans l'intérieur est très limitée. Actuellement, la contrebande des fusils et des munitions se fait très activement sur les côtes de l'Arabie, ces objets s'y payant un prix beaucoup plus élevé que sur nos propres côtes et pouvant échapper plus facilement à la vigilance des autorités locales Ottomanes.

Une seule des perquisitions opérées par nous, en Juin dernier, a permis de surprendre des indigènes Dankali de la baie d'Anfila qui se livraient au commerce de quelques munitions qu'ils prétendaient avoir achetées à Obok.

Au cours de la présente année, 24 autorisations d'acheter des

armes ont été délivrées ; la plus grande partie de ces armes étaient destinées à la chasse. On a délivré 444 autorisations d'acheter des munitions de chasse en petite quantité.

Les données sont plus précises relativement au commerce des spiritueux ; elles sont puisées, en effet, dans les statistiques des droits payés à la douane de Massaua, seule localité par laquelle se fasse l'importation Européenne. Le Tableau suivant indique les quantités de boissons spiritueuses importées dans la Colonie pendant les années 1891, 1892, 1893 :—

DOUANE DE MASSAUA.

TABLEAU indiquant la Valeur en Lires Italiennes des Spiritueux importés dans la Colonie.

Qualité des Spiritueux.	Années.		
	1891.	1892.	1893.
Spiritueux purs en fûts	47,726	34,230	20,136
Spiritueux adoucis en fûts	38,787	13,517	14,652
Spiritueux adoucis en bouteilles ..	120,013	86,014	51,767

La forte diminution qui s'est produite, surtout l'année dernière, dans l'importation des alcools dans la Colonie est remarquable. On doit l'attribuer pour une faible partie à la réduction des garnisons Européennes ; mais elle provient principalement de la surtaxe élevée que le Gouvernement a imposée, par son Décret du 8 Décembre, 1892,* aux alcools consommés par les indigènes.

Les données statistiques sur les esclaves libérés sont plus incertaines, bien que l'on s'efforce de réunir le plus de renseignements possible.

Si l'on devait établir le chiffre des libérés en tenant compte seulement des esclaves qui, par suite de circonstances particulières, ont recours aux autorités locales, on ne se ferait pas une idée exacte du travail de régénération morale que l'occupation Italienne produit dans la population de l'Érythrée. Dans les centres principaux de notre Colonie l'esclavage s'est transformé, sans efforts et par le développement naturel des choses plus que par le fait des hommes, en une servitude domestique, douce et volontaire, et ce phénomène s'est manifesté depuis que l'indigène a pu se convaincre qu'il lui suffit de recourir à l'un des Européens établis dans la localité pour être immédiatement protégé dans ses droits. On peut dire dès à

* Vol. LXXXIV, page 420.

présent que l'esclavage domestique disparaît rapidement, chacun sachant qu'il peut vivre libre sous la protection des lois Italiennes, également et équitablement appliquées, sans distinction aucune entre maîtres et sujets.

Les crimes de Traite ont presque complètement disparu le long des voies terrestres, les résidents et les garnisons échelonnées sur le territoire de la Colonie exerçant une surveillance active, qui rend fort difficile aux traitants des opérations de quelque importance sans courir le risque d'être surpris. On a dû réprimer cependant, au cours de la présente année, quelques faits de Traite qui se sont produits parmi les tribus nomades plus éloignées et parmi des populations maritimes du pays des Dankali et des îles. Le nombre des crimes de Traite découverts pendant l'année est fourni par le Tableau suivant :—

Noms des Régions.					Nombre des faits de Traite constatés.	Nombre de ceux qui ont été punis.*	Esclaves capturés et libérés.
Massaua	..	..	..	..	3	1	2
Keren ..	..	..	..	..	1	1	3
Asmara	..	..	..	..	..	..	..
Assab ..	..	..	..	..	2	1	34
Arkiko..	..	..	..	..	1	1	3

La tentative de Traite la plus sérieuse est celle qui s'est produite dans les environs de Beilul et au sujet de laquelle il a été fait rapport par la lettre du 11 Février, 1893. Les autres ne méritent pas que l'on s'en occupe d'une façon spéciale.

Le Tableau suivant indique le nombre des esclaves qui, à la suite de circonstances particulières, ont recouru aux autorités locales pour obtenir la reconnaissance de leurs droits d'hommes libres ou leur rapatriement. On a toujours pourvu au sort de ces derniers, en leur offrant de les employer à des travaux, ou en les renvoyant dans leur pays d'origine, ou en les confiant aux missions ou aux écoles gouvernementales.

Il convient, en outre, de faire mention de ceux qui, sans recourir à aucune autorité, se sont émancipés de fait, parce qu'ils ont trouvé à se procurer eux-mêmes leurs moyens d'existence en s'enrôlant dans les troupes indigènes, ou en s'occupant à des travaux pour le compte de particuliers ou du Gouvernement. Leur nombre ne peut être exactement évalué, mais il atteint certainement quelques centaines, et il tend constamment à s'accroître.

* Il n'a pas été possible d'arrêter les auteurs des autres faits.

Autorités auxquelles ils se sont présentés.	Nombre.		Pays d'Origine.	Mesures prises.
	Hommes.	Femmes.		
Commandant de la zone de Keren .. ..	..	5	Soudan	Confiés à des familles Chrétiennes.
Résident au Barca.. ..	6	7	Soudan, Barca, Abyssinie, Xodhendoa	Rapatrés ou employés aux travaux agricoles.
Résident aux Habab	1	4	Abyssinie, Soudan	Rapatrés ou confiés à des familles Chrétiennes.
Commissariat d'Assab	35	29	Galla, Abyssinie, Soudan	Confiés à la mission d'Assab, à l'école gouvernementale de Massaua, et à des familles d'une moralité notoire.
Résident à Saraé .. ..	..	2	Galla	Confiés à des familles d'une moralité notoire.
Résident aux Saganeiti	5	15	Galla	Confiés à des familles d'une moralité notoire.
Commandant de la garnison d'Arkiko	1	2	Abyssinie	Confiés à des familles Chrétiennes.

DÉCRET du Roi de Portugal, approuvant deux Règlements sur l'Importation et le Commerce des Armes et des Munitions, et sur la Fabrication et le Commerce des Boissons Alcooliques dans la Province de Mozambique.—Lisbonne, le 29 Décembre, 1892.*

Vu l'urgence de régler l'importation et le commerce des armes à feu et des munitions, ainsi que le trafic des boissons alcooliques, dans la Province de Mozambique, conformément aux dispositions de l'Acte Général de la Conférence de Bruxelles du 2 Juillet, 1890,† ratifié le 24 Mars de la présente année;

Prenant en considération les propositions du Gouverneur-Général de la dite province et du Conseiller Commissaire Royal, pour l'exécution du Traité du 11 Juin, 1891;‡

Conformément à l'avis du Conseil Consultatif des Colonies;

Entendu le Conseil des Ministres et usant de la faculté que me confère le § 1 de l'Article 15 du premier Acte Additionnel à la Constitution de la Monarchie,

Je décrète ce qui suit :

ART. 1^{er}. Sont approuvés les deux Règlements sur l'importation et le commerce des armes et de leurs munitions* et sur la fabrication et le trafic des boissons alcooliques, faisant partie du présent Décret et signés par le Ministre et Secrétaire d'État de la Marine et des Colonies.

2. Toute disposition législative contraire est abrogée.

Que le Ministre et Secrétaire d'État de la Marine et des Colonies tienne ces Décrets pour entendus et les fasse exécuter.

Palais, le 29 Décembre, 1892.

LE ROI.

FRANCISCO JOAQUIM FERREIRA DO AMARAL.

Règlement visé par l'Article 1^{er} du Décret, et auquel celui-ci donne force de Loi à partir du jour de sa date.

ART. 1. Les droits d'importation sur l'alcool, sur l'eau-de-vie simple ou préparée, et sur toute autre boisson distillée, renfermée dans n'importe quel récipient, seront, dans les douanes des districts de la Province de Mozambique directement administrés par l'État, fixés comme suit :—

(1.) Eaux-de-vie simples de moins de 24 degrés Cartier, 1\$200 reis le décalitre;

(2.) Alcool et eaux-de-vie simples de 24 degrés Cartier ou au-delà, 3\$000 reis le décalitre.

* For Regulation respecting Fire-arms, &c., see Vol. LXXXIV, page 424.

† Vol. LXXXII, page 55.

‡ With Great Britain. Vol. LXXXIII, page 27.

(3.) Eaux-de-vie préparées, cognac, genièvre, liqueurs, et toute autre espèce de boisson distillée, 2\$500 reis le décalitre.

2. Personne ne peut dans des districts de la Province de Mozambique directement administrés par l'État se livrer à la fabrication de l'alcool, des eaux-de-vie simples ou préparées, ou de toute autre espèce de boisson distillée, sans en avoir obtenu préalablement la permission de l'autorité administrative, sauf dans les cas spécifiés à l'Article 12.

3. Les autorisations dont il s'agit à l'Article 2 ne dispenseront pas du paiement d'un impôt industriel, et les taxes auxquelles ces dites autorisations sont soumises ne pourront être inférieures au droit de consommation de 2\$700 reis par hectolitre, prévu par l'Article XCIII de l'Acte de Bruxelles du 2 Juillet, 1890.

4. Les taxes à payer pour les autorisations exigées aux termes de l'Article précédent seront fixées, pour chaque district, par le Gouverneur-Général de la province, le Conseil de Gouvernement entendu.

§ *Unique.* Les autorisations pourront être accordées jusqu'au 24 Mars, 1895. Les taxes seront payées par semestre et devront être maintenues jusqu'à cette date.

5. Les personnes qui, à la date où le présent Règlement entrera en vigueur dans chaque district de la Province de Mozambique, auront obtenu des corps municipaux des autorisations de fabriquer de l'alcool, des eaux-de-vie simples ou préparées, ou toute autre boisson distillée, jouiront de ces autorisations jusqu'à l'expiration du terme pour lequel elles auront été accordées, et seront soumises ensuite à la règle générale.

6. L'impôt de fabrication établi par l'Article 4 du Décret du 29 Janvier, 1891,* est aboli.

7. La vente publique de l'alcool, des eaux-de-vie simples ou préparées, ou de toute autre boisson distillée, sera soumise, dans tous les districts de la Province de Mozambique directement administrés par l'État, à la concession préalable d'une autorisation annuelle accordée par l'autorité administrative

§ *Unique.* Les dispositions des Articles 3, 4, et 5 sont applicables aux taxes mises sur ces autorisations.

8. La fabrication de boissons fermentées de toute espèce, à l'exception du jus de palme, qui ne sont pas destinées exclusivement à l'usage domestique des producteurs, sera assujettie, dans tous les districts de la Province de Mozambique administrés par l'État, à la concession préalable d'une autorisation délivrée par l'autorité administrative.

§ *Unique.* Les dispositions des Articles 4 et 5 sont applicables à ces autorisations.

* Vol. LXXXIII, page 894.

9. La vente publique de boissons fermentées, de quelque espèce que ce soit, à l'exception du vin et du jus de palme, sera assujettie, dans tous les districts de la Province de Mozambique directement administrés par l'État, à une autorisation préalable délivrée par l'autorité administrative.

§ *Unique*. Les dispositions des Articles 4 et 5 sont applicables à ces autorisations.

10. Les dispositions de l'Article 7 et de son § unique ne sont pas applicables à la vente publique de l'alcool, des eaux-de-vie simples ou préparées, quand ils sont destinés exclusivement à des usages médicaux. Cette vente sera soumise à une réglementation spéciale.

11. Les autorisations de fabriquer et de vendre, dans les districts de la Province de Mozambique administrés directement par l'État, de l'alcool, des eaux-de-vie simples ou préparées et toute autre boisson distillée, cesseront d'être accordées par les municipalités à partir du jour où le présent Règlement entrera en vigueur. Toutefois, le tiers du produit des taxes sur les autorisations accordées par l'autorité administrative, et dont il sera fait usage dans les communes, appartiendra aux municipalités de ces dernières.

12. Les autorités administratives auxquelles il appartiendra de délivrer ces autorisations pourront refuser de les accorder à de nouvelles fabriques ou à de nouveaux établissements de vente pour des raisons d'ordre public ou dans l'intérêt de la moralisation des indigènes. Elles devront, dans ce cas, se conformer aux Règlements. Toutefois, elles ne pourront refuser de renouveler des autorisations accordées antérieurement, sauf dans les cas suivants :—

(1.) Quand les fabricants ou les vendeurs auront manifestement transgressé les prescriptions réglementaires au préjudice du Trésor ;

(2.) Quand les vendeurs auront été condamnés pour avoir excité des indigènes à l'ivresse ou pour la leur avoir facilitée.

§ *Unique*. On pourra toujours en appeler au Gouverneur-Général des Résolutions des Corps Municipaux, en cas de refus par ces derniers d'accorder des autorisations ou de les renouveler.

13. Les Gouverneurs des districts devront déterminer, conformément au présent Règlement, le nombre des maisons de vente de boissons distillées ou fermentées qui pourront être ouvertes dans leurs districts respectifs et dans les diverses localités. La vente de ces boissons par des colporteurs sera interdite.

14. Le Gouverneur-Général de la Province de Mozambique prendra des mesures et fera les règlements nécessaires pour que l'établissement et le recouvrement de l'impôt sur les acajous soit mené à bonne fin. Il sera dû une taxe de 100 reis par pied pendant

les trois premières années du recouvrement, de 200 reis pendant la quatrième année, de 380 reis pendant la cinquième, de 760 reis pendant les années suivantes.

15. Les produits dont il s'agit dans l'Article 1^{er} du présent Décret qui, à la date de la publication du dit Décret dans le "Journal du Gouvernement," seront emmagasinés dans les douanes de la Province de Mozambique, ou seront envoyés à destination de l'une de ces douanes, seront expédiés d'après les tarifs en vigueur jusqu'à ce jour.

16. Le Gouverneur-Général de la Province de Mozambique conserve le droit de faire tous les règlements nécessaires pour l'exécution des prescriptions ci-dessus, règlements qui devront être spécialement destinés à réprimer l'ivrognerie, la falsification des boissons et la transgression de toutes les dispositions de ces Articles. Il pourra établir dans ces règlements des amendes s'élevant jusqu'à 500\$000 reis recouvrables par la voie administrative et rachetables par des corvées rémunérées selon les conditions requises.

Palais, le 29 Décembre, 1892.

FRANCISCO JOAQUIM FERREIRA DO AMARAL.

NOTE du Gouverneur-Général de la Province d'Angola, concernant l'Importation des Armes à Feu, &c.—Le 25 Janvier, 1893.

(Extrait.)

ARMES.

	Perfectionnées.	Pour le Commerce.	Grosse Poudre de Commerce.	Poudre Fine.	Charges pour les Armes perfectionnées.
			Kilog.	Kilog.	Caisses.
Loanda	14	23,175	95,626	22,950	17
Benguella	32	21,918	123,752	168	7,000
Mossamedes	62	3,081	4,248	..	22,450
Ambriz	1	6,393	150,913	..	..
Congo .. .. .	..	..	..	..	..

L'IMPORTATION des armes perfectionnées et des munitions y afférentes, ainsi que de la poudre fine, a donc été insignifiante.

Il est inutile de faire observer à ce propos que notre propre intérêt nous commande de ne pas autoriser l'importation, c'est-à-dire

de grands approvisionnements d'armes perfectionnées dans la province. On empêche par là le commerce de remettre en échange des armes de cette nature aux populations indigènes qui pourraient s'armer ainsi dans des conditions trop avantageuses. Dans mainte rencontre avec des tribus rebelles, la supériorité numérique des indigènes a été neutralisée par la portée et la précision des armes de nos soldats. Cependant, il faut bien le dire, dans les régions éloignées et notamment dans les régions du sud, les peuplades sauvages, comme on l'a constaté récemment, possèdent en grande quantité des armes des systèmes les plus récents. Ces armes sont entrées dans le pays sans passer par nos douanes, venant de ports étrangers, et expédiées probablement aussi par des négociants étrangers, qui souvent les vendent aux populations indigènes des territoires Portugais, moins dans une intention coupable que poussés par l'esprit de lucre.

Je citerai, à raison des rapports qu'elles ont avec la question des armes perfectionnées et de leurs munitions dans cette province, question qui a fait l'objet des Articles IX, X, XI, XII, et XIII de l'Acte Général de la Conférence de Bruxelles, les mesures prises par le Gouvernement Général dans les Ordonnances Nos. 38 et 131 du 25 Janvier et du 30 Mars, 1887, publiées dans les Bulletins Officiels de la province, Nos. 5 et 17, du 29 Janvier et du 23 Avril de cette même année, bulletins annexés à cette dépêche.*

Le contenu de ces Ordonnances, promulguées trois années avant la Conférence de Bruxelles, répond exactement aux prescriptions des dits Articles IX, X, XI, XII, et XIII de l'Acte Général, et la communication de ces documents officiels prouvera qu'en cette matière également le Portugal a anticipé sur les décisions de ce Congrès International.

Il convient d'ajouter que les chiffres élevés de l'importation des anciennes armes à silex et des poudres grossières ne doivent pas surprendre; en effet, comme le savent les gens compétents, on ne distribue plus aujourd'hui aux indigènes de l'intérieur que des armes d'ancien modèle pour la chasse ou pour combattre les animaux féroces dans les voyages à travers des forêts.

ANNEXE.

Ordonnance du Gouverneur-Général de la Province d'Angola, concernant la Vente des Armes perfectionnées.—Mossamedes, le 30 Mars, 1887.

[No. 131 (a).]

ATTENDU que certains négociants détiennent, dans l'intention de les vendre, des armes perfectionnées et des munitions y afférentes, importées antérieurement

* For Ordinance No. 38, see Vol. LXXXIV, page 421.

à la publication de l'Ordonnance Provinciale No. 38, du 25 Janvier de l'année courante ;

Attendu qu'il convient de concilier les prescriptions de la dite Ordonnance avec les intérêts du commerce ;

J'ai jugé convenable d'arrêter les dispositions suivantes :—

1. Tous ceux qui détiendront des armes perfectionnées dans l'intention de les vendre, devront en faire connaître le nombre et la nature, ainsi que la quantité des munitions y afférentes, pour être inscrites dans un registre *ad hoc* à l'administration de la commune ;

2. L'autorisation de vendre ne pourra être délivrée que par les Gouverneurs de districts sur la production d'un extrait du registre dont il s'agit au numéro précédent ;

3. Ces armes et munitions ne pourront être vendues qu'à celui qui exhibera l'autorisation mentionnée au No. 6 de la dite Ordonnance Provinciale No. 38 ;

4. Lorsqu'une transaction de ce genre aura eu lieu, il en sera donné connaissance à l'administration de la commune ; on indiquera en même temps le nombre des armes vendues et le nom de l'acheteur, afin que la mention qui a été faite de ces armes au registre qui leur est affecté en soit immédiatement effacée ;

5. La réexportation par les douanes de la province des armes et des munitions dont traite la présente Ordonnance est libre.

Que les autorités et les personnes qui en auront connaissance tiennent pour connue la dite Ordonnance et l'exécutent.

Quartier-général à Mossamedes, le 30 Mars, 1887.

GUILHERME AUGUSTO DE BRITO CAPELLO,

Gouverneur-Général.

CIRCULAIRE adressée par le Ministère de la Marine et des Colonies aux Gouverneurs-Généraux des Provinces de Mozambique et d'Angola, en vue de remplacer, dans les relations des Autorités Portugaises avec les Indigènes, les Boissons Alcooliques par des Vins Portugais.—Lisbonne, le 13 Avril, 1893.

MONSIEUR,

UNE des causes principales de la dégénérescence des races Africaines réside incontestablement dans l'usage, ou plutôt dans l'abus, qu'elles font des boissons alcooliques. Les indigènes ne sont pas seulement portés par leur goût naturel à faire de ces boissons un usage immodéré, ils y sont poussés surtout par l'Européen qui les leur remet en guise de présent, dans un but intéressé ou pour se conformer aux exigences d'anciennes coutumes. Il est indispensable que le blanc renonce à des traditions d'un caractère aussi nuisible et à des pratiques adoptées dans l'espoir de s'attirer les populations Africaines.

Les indigènes accordent leurs préférences aux boissons dites boissons blanches. Ils ne considèrent ni la perfection ni la pureté

des produits, mais uniquement l'excitation et l'ivresse rapide qu'ils procurent, sans se soucier de leurs effets pernicieux tant au point de vue physique que moral.

L'Acte Général de Bruxelles du 2 Juillet, 1890, a eu spécialement en vue, entre autres, de rendre aussi difficile que possible l'abus des boissons alcooliques de la part des populations indigènes.

Outre les mesures déjà officiellement adoptées par le Gouvernement Portugais en exécution des engagements contractés par lui dans cet Acte International, son Excellence le Ministre et Secrétaire d'État de la Marine et des Colonies désire vivement que les autorités Portugaises, dans leurs rapports avec les Chefs indigènes, et dans toutes les occasions où l'usage prescrit de leur offrir des boissons alcooliques, s'efforcent de remplacer ces boissons par des vins Portugais ordinaires.

Dans les premiers temps il conviendra de se servir, à cet effet, des vins blancs, particulièrement alcoolisés, tels que ceux fabriqués dans les régions du sud et de l'est : Algarve, Alemtejo, Beira, et Traz os Montes. Ces vins, soigneusement préparés, se conservent facilement sous les climats chauds.

Des intérêts humanitaires, politiques, et économiques conseillent d'en agir ainsi. Protéger l'indigène dans sa santé physique, le soustraire à l'ivrognerie qu'engendre nécessairement l'usage des boissons blanches, ce qu'avait principalement en vue l'Acte de Bruxelles, encourager l'industrie viticole et le commerce métropolitain, ce sont là certainement des motifs de nature à justifier la suppression de pratiques nuisibles à divers points de vue, tant à cette province qu'à la métropole.

Son Excellence le Ministre, s'intéressant comme ses prédécesseurs à l'œuvre de la civilisation Africaine, me charge d'appeler sur ce qui précède l'attention toute particulière de votre Excellence, et de lui recommander d'y conformer sa conduite, en engageant notamment et en encourageant les importateurs de vins Portugais à adopter dans les commandes qu'ils feront à la métropole une qualité de vins qui réponde davantage au goût des indigènes, et qui puisse trouver par la suite un débit important, grâce à son prix modéré. On protégera efficacement, de cette manière, la santé des habitants des diverses localités de la province, et l'on favorisera grandement l'agriculture de la métropole, qui verra s'étendre ainsi le marché de ses vins, le principal et le plus précieux article de nos exportations.

L'exemple du Gouvernement Provincial et la préférence que l'indigène pourra donner à nos vins, recommandables tant par le bon marché que par les soins apportés à leur fabrication, engageront, sans aucun doute, le commerce à approvisionner le marché de cette province d'un produit appelé à prendre la place d'une boisson dont l'abus est notoirement préjudiciable au consommateur.

Dieu garde votre Excellence.

Secrétairerie d'État de la Marine et des Colonies, le 13 Avril,
1893.

FRANCISCO JOAQUIM DA COSTA E SILVA,

Directeur-Général.

Au Gouverneur-Général de la Province de Mozambique.

[Une lettre identique a été envoyée au Gouverneur-Général
d'Angola.]

*DÉCRET du Roi de Portugal, approuvant le Règlement sur la
Fabrication des Boissons Alcooliques dans les Territoires de
la Compagnie de Mozambique.—Lisbonne, le 5 Septembre,
1893.*

Vu la disposition No. 32 concernant l'administration du territoire
de la Compagnie de Mozambique, à laquelle se réfère le Décret du
7 Mai, 1892 ;

Vu les Décrets, ayant reçu force de loi, des 11 Février* et
30 Juillet, 1891 ;*

Entendu le Conseil Consultatif des Colonies ;

J'approuve le Règlement sur la fabrication des boissons
alcooliques dans les territoires de la dite Compagnie, Règlement
ci-annexé, et signé par le Ministre et Secrétaire d'État de la
Marine et des Colonies.

Charge le dit Ministre et Secrétaire d'État de son exécution.

Palais, le 5 Septembre, 1893.

LE ROI.

JOÃO ANTONIO DE BRISSAC DAS NEVES FERREIRA.

*Règlement pour la Fabrication des Boissons Alcooliques dans les
Territoires de la Compagnie de Mozambique.*

ART. 1^{er}. Pourront seuls fabriquer, dans les territoires administrés
par la Compagnie de Mozambique, des boissons alcooliques de toute
nature et de tout degré, et distillées dans des alambics, ceux qui
auront obtenu l'autorisation requise.

§ *Unique*. Cette autorisation sera accordée dans la circonscription
de Beira par le chef de la division civile, et dans les autres localités
par leurs Commandants respectifs.

2. Les droits à payer pour cette autorisation seront les sui-
vants :—

* Vol. LXXXIII, page 391.

(1.) Pour le terme d'une année et pour chaque alambic en métal d'une capacité maxima de 150 litres, 10 livres ; pour chaque mesure de 15 litres ou fraction de 15 litres en plus, 1 livre ;

(2.) Pour le terme d'une année, et pour chaque alambic d'argile d'une capacité maxima de 15 litres, 1 livre ; pour chaque mesure de 5 litres ou fraction de 5 litres en plus, une demi-livre.

3. Les contrevenants aux susdites prescriptions seront passibles pour la première infraction d'une amende de 5 livres, pour la seconde d'une amende de 10 livres, et d'une amende de 20 livres pour chacune des infractions suivantes :—

§ 1. Les contrevenants qui ne payeront pas volontairement ces amendes endéans le terme de quarante-huit heures après en avoir été requis par la Compagnie y seront condamnés en police correctionnelle ; et s'ils n'y satisfont pas endéans le même terme, après que le jugement sera passé en force de chose jugée, ces amendes seront recouvrées par voie d'exécution judiciaire ;

§ 2. Le Juge pourra, s'il le juge convenable, condamner le coupable à un emprisonnement de trente jours, en outre de l'amende qu'il aura encourue.

4. Les autorisations pour l'établissement de machines de distillation de tout autre système que celui d'alambics proprement dits pourront seulement être accordées par le Gouverneur de la Compagnie, moyennant un accord spécial.

§ *Unique.* Les contrevenants aux dispositions de cet Article seront passibles à chaque infraction d'une amende de 50 livres. Les dispositions des §§ 1 et 2 de l'Article précédent leur seront également applicables.

5. En cas d'infraction aux dispositions du présent Règlement, tous les appareils servant à la distillation, les matières destinées à la distillation, et ses produits pourront être saisis. Ces objets devront être soigneusement inventoriés et consignés, pour que la Compagnie puisse, si elle le juge nécessaire et convenable, recouvrer sur les dits objets le montant de l'amende encourue.

§ *Unique.* Les saisies, les inventaires, et les consignations dont parle cet Article pourront seulement être effectués, dans la circonscription de Beira, par le chef de la division civile ou par une personne expressément autorisée par lui, et dans les autres localités par leur Commandant respectif ou par des personnes expressément autorisées par lui.

Palais, le 5 Septembre, 1893.

JOÃO ANTONIO DE BRISSAC DAS
NEVES FERREIRA.

NOTIFICATION by the Government of Russia, prohibiting the Importation of Arms into Africa.—March 8, 1893.

Avis du Conseil de l'Empire sanctionné par l'Empereur.

Dispositions Pénales en exécution de l'Acte Général de la Conférence de Bruxelles relatif à la Suppression de la Traite des Nègres sur le Continent Africain.*

SA Majesté Impériale a daigné sanctionner l'Avis émis en séance plénière du Conseil de l'Empire, concernant les pénalités à établir en exécution de l'Acte Général de la Conférence de Bruxelles relatif à la suppression de la Traite des Nègres sur le Continent Africain, et en a ordonné l'exécution.

MICHEL, *Président du Conseil d'État.*

Avis du Conseil de l'Empire.—Le 8 Mars, 1893.

Extrait des Procès-verbaux des Sections des Affaires Civiles et de Législation réunies, du 25 Janvier, et de la Séance Plénière du 22 Février, 1893.

LE Conseil de l'Empire en sections réunies des affaires civiles et religieuses et de législation, et en séance plénière, après avoir examiné la proposition du Ministre de la Justice concernant l'établissement de pénalités en exécution de l'Acte Général de la Conférence de Bruxelles relatif à la suppression de la Traite des Nègres sur le Continent Africain, a décidé :—

1. De statuer ainsi qu'il suit, comme complément aux Articles des Règlements Douaniers :

“ L'exportation des armes à feu, ainsi que de la poudre, des balles, et des cartouches, à destination des territoires du Continent Africain situés entre le 20^e parallèle nord et le 22^e parallèle sud, y compris les îles qui ne sont pas distantes de plus de 100 milles marins de cette partie du continent, n'est autorisée, pendant la durée de l'Acte Général de la Conférence Internationale de Bruxelles, ratifiée le 21 Mai, 1891, par l'Empereur, que moyennant l'observation des conditions prévues aux Articles VIII et IX de l'Acte susmentionné.”

2. L'Article 172 du Statut concernant les peines criminelles et correctionnelles, édition de 1885, sera complété par le paragraphe additionnel suivant :

“ L'application de cet Article s'étend aux crimes et délits commis en dehors des frontières de l'État par des sujets étrangers envers

des étrangers, crimes et délits pour lesquels les sujets étrangers coupables seront passibles de poursuites et de peines en Russie, conformément aux Traités Internationaux conclus avec les États étrangers.”

Le présent Avis est signé en original dans les procès-verbaux par les Président et membres.

COMMERCIAL AGREEMENT between France and Serbia.—

Signed at Belgrade, ^{June 23}_{July 5}, 1893.

[Ratifications exchanged at Paris, July 25, 1893.]

LE Président de la République Française et Sa Majesté le Roi de Serbie, également animés du désir de maintenir dans des conditions satisfaisantes les rapports commerciaux qui existent entre les deux pays, ont résolu de conclure un Arrangement à cet effet, et ont nommé pour leurs Plénipotentiaires :

Le Président de la République, M. Salvator Patrimonio, Envoyé Extraordinaire et Ministre Plénipotentiaire de la République Française près Sa Majesté le Roi de Serbie, Officier de l'Ordre National de la Légion d'Honneur, Grand Officier de l'Ordre Royal de l'Aigle Blanc, Grand Cordon de l'Ordre Royal de Takovo, &c. ;

Sa Majesté le Roi de Serbie, son Excellence Andra Nikolitch, son Ministre Secrétaire d'État au Département des Affaires Étrangères, Chevalier de l'Ordre Royal de l'Aigle Blanc, Commandeur de l'Ordre Royal de Saint-Sava, Grand Officier de la Légion d'Honneur ;

Lesquels, après s'être communiqué leurs pleins pouvoirs respectifs, trouvés en bonne et due forme, sont convenus des Articles suivants :—

ART. 1^{er}. Les deux Hautes Parties Contractantes se garantissent réciproquement le traitement de la nation la plus favorisée en ce qui touche l'établissement des nationaux ainsi qu'en matière de commerce et de navigation, tant pour l'importation, l'exportation, et le transit, et, en général, tout ce qui concerne les droits de douane et les opérations commerciales, que pour le payement des taxes qui s'y rapportent. Les marchandises originaires de chacun des deux pays jouiront également dans l'autre du traitement de la nation la plus favorisée en tout ce qui concerne les transports par chemins de fer.

2. Le présent Arrangement sera ratifié, et les ratifications en seront échangées à Paris au plus tard le $\frac{1}{2}$ ³/₈ Juillet. Il entrera en

vigueur le $\frac{14}{28}$ du même mois, et demeurera exécutoire jusqu'à l'expiration d'une année à partir du jour où l'une ou l'autre des Hautes Parties Contractantes l'aura dénoncé.

En foi de quoi les Plénipotentiaires susdits ont signé le présent Arrangement, et y ont apposé leurs sceaux.

Fait à Belgrade, en double exemplaire, le ^{23 Juin}_{5 Juillet}, 1893.

(L.S.) PATRIMONIO.

(L.S.) AND. NIKOLITCH.

LOI de la République Française, déterminant les Rapports Commerciaux entre la France et la Serbie.—Paris, le 22 Juillet, 1893.

LE Sénat et la Chambre des Députés ont adopté ;

Le Président de la République promulgue la loi dont la teneur suit :

Article Unique.—Le Gouvernement est autorisé à appliquer, sous condition de réciprocité, aux sujets, aux navires et aux marchandises de la Serbie le traitement de la nation la plus favorisée, tant pour l'importation, l'exportation, le transit, le transport des marchandises par chemin de fer, et, en général, tout ce qui concerne les droits de douane et les opérations commerciales, que pour le paiement des taxes qui s'y rapportent. Il se réservera la faculté de faire cesser les effets de cette concession en notifiant son intention à cet égard douze mois à l'avance.

La présente Loi, délibérée et adoptée par le Sénat et par la Chambre des Députés, sera exécutée comme Loi de l'État.

Fait à Paris, le 22 Juillet, 1893.

CARNOT.

Par le Président de la République :

JULES DEVELLE, *Ministre des Affaires Étrangères.*

CONVENTION Télégraphique entre les Pays-Bas et la Belgique.

—Signée à La Haye, le 27 Octobre, 1893.

LE Gouvernement de Sa Majesté la Reine des Pays-Bas et le Gouvernement de Sa Majesté le Roi des Belges, désirant faciliter les relations télégraphiques entre les Pays-Bas et la Belgique et usant de la faculté qui leur est accordée par l'Article XVII de la Conven-

tion Télégraphique Internationale, signée le 22 Juillet, 1875,* à Saint-Pétersbourg, sont convenus des dispositions suivantes:—

Art. I. La taxe des télégrammes ordinaires, échangées directement entre les Pays-Bas et la Belgique, se compose d'une taxe fixe d'un $\frac{1}{2}$ fr., à laquelle est ajoutée une taxe de 5 centimes par mot.

II. Le montant des recettes résultant du trafic direct Néerland-Belge est partagé par moitié entre les deux Administrations. Il est en conséquence attribué à chaque pays, en ce qui concerne les télégrammes ordinaires, 25 centimes de la taxe fixe et $2\frac{1}{2}$ centimes par mot transmis.

III. Les télégrammes échangés entre les Pays-Bas et la Belgique qui, par suite d'interruption des lignes directes, emprunteraient le réseau d'une Administration étrangère ne sont soumis à aucune surtaxe, le prix du transit restant à la charge de l'Administration expéditrice.

Les télégrammes qui seraient détournés de la voie directe, sur la demande de l'expéditeur, sont soumis aux taxes et aux dispositions de la Convention Télégraphique Internationale et du Règlement de Service qui la complète.

IV. Les télégrammes intérieurs de chacun des deux pays qui par suite d'interruption momentanée de ses propres lignes auraient à emprunter, pour arriver à destination, les lignes télégraphiques de l'autre pays, donnent lieu à une bonification de 2 centimes par mot au profit de ce dernier.

V. Les télégrammes arrivant à un bureau de l'un des deux États, voisin de la frontière, peuvent être transportés par exprès sur le territoire de l'autre État dans un rayon à déterminer de commun accord par les deux Administrations.

VI. Les dispositions de la Convention Télégraphique Internationale de Saint-Pétersbourg, ainsi que celles du Règlement de Service International, sont applicables aux relations directes entre les Pays-Bas et la Belgique, dans tout ce qui n'est pas réglé par les présentes dispositions, lesquelles remplacent et abrogent la Déclaration signée à La Haye, le 6 Septembre, 1879.

VII. Le présent Arrangement entrera en vigueur le 1^{er} Janvier, 1894, et sera maintenu indéfiniment, sauf la dénonciation qui pourrait en être faite une année à l'avance par l'une des Hautes Parties Contractantes.

En foi de quoi les Soussignés ont signé le présent Arrangement et y ont apposé leurs cachets.

Fait en double exemplaire à La Haye, le 27 Octobre, 1893.

(L.S.) VAN TIENHOVEN.

(L.S.) BARON D'ANETHAN.

*REGULATIONS for the Navigation of the Corinth Canal.—
Athens, June 30, 1893.*

ART. 1. Les capitaines sont obligés à se conformer au présent Règlement, à obéir aux signaux qui y sont indiqués et à satisfaire à toute réquisition faite en vue de son exécution. Une copie du Règlement leur sera remise sur leur demande.

2. Le transit est libre dans le Canal de Corinthe pour tous les navires quelle que soit leur nationalité, à la condition de ne pas caler plus de 7·20 mètres et de ne pas avoir une largeur supérieure à 20 mètres.

Les navires à voiles au-dessus de 20 tonnes seront tenus de se faire remorquer.

Les navires à vapeur pourront naviguer sur le canal à l'aide de leur propre propulseur ou se faire remorquer.

Il est bien entendu que le remorquage des steamers n'est pas une obligation pour la Société, qui ne le fera exécuter qu'autant qu'elle aura des remorqueurs disponibles.

3. Les navires devront avoir une vitesse aussi réduite que possible sans nuire à l'action du gouvernail.

4. Le capitaine de tout navire traversant le canal devra payer à l'entrée du canal les droits de péage, et s'il y a lieu ceux de remorquage et de pilotage, et donner par écrit les renseignements suivants :—

Désignation du navire ;

Nom et nationalité du navire ;

Nom du capitaine ;

Noms et adresses des armateurs ;

Port de provenance ;

Port de destination ;

Tirant d'eau ;

Nombre de passagers, constaté par la présentation du rôle des passagers ;

Composition de l'équipage ;

Tonnage et nature du chargement ;

Tonnage net, constaté par la présentation des papiers officiels du bord et établi conformément aux prescriptions de la Commission Internationale réunie à Constantinople en 1873.*

5. La Société fixe les départs et les arrêts des navires. Aucun navire ne doit s'engager dans le canal qu'après avoir reçu l'autorisation du capitaine du port.

Le jour un drapeau bleu, la nuit un feu blanc hissé aux mâts de signaux, signifie que la voie est libre.

* Vol. LV, page 799.

Un drapeau rouge ou un double feu blanc signifie que la voie n'est pas libre.

6. Tout navire prêt à entrer dans le canal devra avoir ses vergues brassées en pointe et ses embarcations en dedans. Outre les deux ancres de bossoir réglementaires, il devra avoir à l'arrière et prête à être mouillée une forte ancre à jet munie d'une amarre capable d'arrêter le navire.

7. La navigation de nuit est autorisée. Les navires devront être munis d'appareils d'éclairage.

8. En cas d'échouage les agents de la Société auront le droit de prescrire toutes les opérations de déséchouage et de faire au besoin décharger et remorquer le bâtiment aux frais du navire.

Les dits frais de déséchouage, de remorquage, de déchargement et de rechargement devront être payés avant le départ du navire.

9. Il est interdit aux capitaines—

(1.) De mouiller dans le canal, sauf en cas de force majeure ;

(2.) De jeter dans le canal des escarbilles ou cendres ou objets quelconques ;

(3.) De laisser tirer des coups de feu de leur bord.

10. Le tonnage net résultant du système de jaugeage adopté par la Commission Internationale de Constantinople et inscrit sur les papiers officiels de bord sert de base à la perception du droit de péage, qui est provisoirement—

Pour les steamers en provenance ou à destination de l'Adriatique :—

De 75 centimes par tonne pour les paquebots postaux ou portant habituellement des passagers ;

Et 50 centimes par tonne pour les autres navires.

Et pour les steamers qui ne sont pas en provenance ou à destination de l'Adriatique :—

50 centimes par tonne pour les paquebots postaux ou portant habituellement des passagers et 40 centimes pour tous les autres navires.

Il sera perçu en outre 1 fr. par tête de passager.

11. Seront exempts de péage—

(1.) Les bâtiments de guerre Helléniques, sauf ceux qui leur sont assimilés par suite de Conventions particulières ;

(2.) Les bateaux pêcheurs et autres sous pavillon Hellénique dont le tonnage ne dépasse pas 3 tonnes.

12. Les frais de remorquage dans le canal par le service de la Société sont fixés à 10 centimes par tonne ; la somme perçue ne devant pas être inférieure à 50 fr.

Le droit de pilotage est fixé à 1½ centimes par tonne ; la somme perçue ne devant pas être inférieure à 10 fr.

13. Tout navire remorqué devra fournir ses amarres.

Les steamers devront conserver leurs machines fonctionnant ou prêtes à fonctionner pour aider au remorqueur.

Les navires peuvent se faire remorquer par des remorqueurs n'appartenant pas à la Société du Canal.

Ces remorqueurs seront soumis au paiement du droit de péage comme les navires en transit.

Lorsqu'ils traverseront le canal, soit pour aller au devant des navires de leurs armateurs qu'ils devront remorquer, soit regagnant leur résidence après les avoir remorqués, ils ne seront pas soumis au paiement du droit.

14. La Société accepte en paiement les traites payable à vue, tirées par les capitaines sur leurs armateurs agréés par la Société.

Les paiements en espèces à l'entrée du canal doivent être faits en monnaies d'or du type des monnaies de l'Union Latine ou en livres sterling au change fixe de 25.15 fr., ou en pièces de 20 marks au change fixe de 24.85 fr. ;

Ou en livres Turques au change fixe de 22.75 fr. ;

Ou en livres Egyptiennes au change fixe de 25.75 fr.

Les monnaies d'argent ayant cours légal en Grèce sont acceptées en paiement pour appoint jusqu'à 10 fr.

						Mètres.
<i>Nota.</i> —Profondeur du Canal .. .. .	..	..	..	..	..	8.00
Largeur du plafond .. .. .	..	..	..	..	..	21.00
Largeur à la surface de l'eau.. .. .	..	..	..	..	..	24.60
Longueur totale .. .. .	..	..	..	..	..	6,300.00

Pour la Société du Canal de Corinthe :

A. D. SYNGROS, *Président*.

Approuvé :

Athènes, le 30 Juin, 1893.

D. RALLI, *Ministre de l'Intérieur*.

CONVENTION between the United States of America and the Colony of British Guiana, for the Exchange of Money Orders.—Signed at Washington, May 25, 1892.

For the purpose of establishing a system of exchange of money orders between the United States of America and the Colony of British Guiana, the undersigned John Wanamaker, Postmaster-General of the United States of America, and Sir Julian Pauncefote, G.C.M.G., K.C.B., Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary at Washington, by virtue of

authority vested in them respectively, have agreed upon the following Articles:—

ART. I. There shall be a regular exchange of money orders between the United States and the Colony of British Guiana.

The maximum of each money order is fixed at 10*l*. when issued in British Guiana, and when issued in the United States at 50 dollars in the money of the latter country.

This maximum may be increased to 20*l*. and 100 dollars respectively by mutual agreement between the Post Office Departments of the two countries.

No money order shall include a fractional part of a penny or of a cent.

The amount of each order must be expressed in letters in the money of the country in which payment is to be made, and the equivalent of the money in the issuing country must also be shown in figures, at the rate of conversion fixed by Article XIII of the present Convention.

II. The Postal Administration of British Guiana shall have power to fix the rates of commission on all money orders issued in that Colony, and the Post Office Department of the United States shall have the same power in regard to all money orders issued in the latter country.

The Post Office Department of the United States shall communicate from time to time to the Postal Administration of British Guiana its tariff of charges or rates of commission which shall be established under this Convention, and the Postal Administration of British Guiana shall communicate from time to time to the Post Office Department of the United States the tariff of charges or rates of commission which shall be established by the former under this Convention, and these rates shall in all cases be payable in advance by the remitters, and shall not be repayable.

It is understood, moreover, that the Postal Administrations of the two countries are each authorized to suspend, temporarily, the exchange of money orders, in case the course of exchange or any other circumstance should give rise to abuses or cause detriment to the postal revenue.

III. Each of the two countries included in this Convention shall keep the commission charged on all money orders issued within its jurisdiction, but shall pay to the country to which such money orders are sent for payment one-half of 1 per cent. on the amount of such orders.

IV. The service of the postal money order system between the post offices of the United States on the one part, and the post-offices of British Guiana on the other part, shall be performed exclusively by the intermediary agency of offices of exchange. On the part of

the United States, the office of exchange shall be New York, New York, and on the part of British Guiana, the office of exchange shall be Georgetown, British Guiana.

Orders shall be drawn only on the authorized money order offices of the respective countries included in this Convention, and the Post Office Department of the United States shall furnish to the Postal Administration of British Guiana a list of such offices in the United States, and shall from time to time report any addition to or change in such list, and the Postal Administration of British Guiana shall furnish the Post Office Department of the United States with a list of such offices in British Guiana, and shall from time to time report any addition or change in such list.

Every money order and advice must contain the name of the post-office and of the country of destination, and, if payable in the United States, the name of the State in which such office is situated.

V. No money order shall be issued unless the applicant furnish the name and address of the person to whom the amount is to be paid, and his own name and address; or unless the name of the firm or Company who are the remitters, or the payees, is given, together with the address of each.

The money orders issued in either country shall be forwarded by the remitters, at their own expense, to the payees.

VI. The advices of all money orders drawn upon post-offices in British Guiana by post-offices in the United States shall be sent to the office of exchange at New York, where they shall be examined, and, if found correct, impressed with the dated stamp of that office, and transmitted by the next mail to the exchange office at Georgetown, accompanied by a list thereof, in duplicate, which is to be drawn up in conformity with the model of Form (A), hereto annexed.

The advices, on their arrival at Georgetown, shall be compared with the entries in the list, and promptly dispatched to the respective paying offices.

In like manner, the advices of money orders drawn upon post-offices in the United States by post-offices in British Guiana shall be sent to the office of exchange at Georgetown, shall there be examined, and, if found correct, impressed with the dated stamp of that office, and be dispatched to the office of exchange at New York by the next mail, accompanied by a list thereof, in duplicate, which is to be drawn up in conformity with the model of Form (B).

The advices, on their receipt at New York, shall be compared with the entries in the list, and promptly dispatched to the respective paying offices.

The advices of money orders issued in the United States in the [1892-93. LXXXV.] 3 A

month of June which may arrive at the office of exchange at New York in the earlier days of the following month shall be entered on lists supplementary to that of the last day of the month of June, and, in like manner, the advices of money orders issued in British Guiana in the month of June which may arrive at the exchange office at Georgetown in the earlier days of the following month shall be entered on lists supplementary to that of the last day of the month of June.

Each exchange office shall certify its money orders to the other on the lists, in amounts designated in the denominations of the money both of the dispatching and of the receiving country, at the rate of conversion established by Article XIII of this Convention. The amounts so converted shall be checked at the receiving office of exchange.

VII. The lists dispatched from each office of exchange shall bear consecutive numbers, commencing with No. 1, at the beginning of the month of July in each year, and the entries in these lists shall also have consecutive numbers.

Of each list dispatched a duplicate shall be sent, which duplicate, after being verified by the receiving office of exchange, shall be returned to the dispatching office of exchange.

Each office of exchange shall promptly communicate to the other the correction of any simple error which it may discover in the verification of the lists.

When the lists show irregularities which the receiving exchange office is not able to rectify, that office shall apply for an explanation to the dispatching exchange office, and such explanation shall be afforded without delay.

Should any list fail to be received in due course, the dispatching exchange office, on receipt of information to that effect, shall transmit, without delay, a duplicate of the list duly certified as such.

VIII. Duplicate money orders shall be issued only by the Postal Administration of the country on which the original orders were drawn, and in conformity with the regulations established, or to be established, in that country.

IX. Money orders issued in the United States on post-offices in British Guiana, and money orders issued in British Guiana on post-offices in the United States, shall be subject, as regards payment, to the regulations which govern the payment of money orders in the country on which they are drawn.

The paid money orders shall remain in the possession of the country of payment.

X. Repayment of money orders to remitters shall not be made until an authorization for such repayment shall first have been

obtained by the country of issue from the country where such orders are payable, and the amounts of the repaid money orders shall be duly credited to the former country in the quarterly account (Article XII). It is the province of each Postal Administration to determine the manner in which repayment to remitters is to be made.

XI. Money orders which shall not have been paid within twelve calendar months from the month of their issue shall become void, and the sums received therefor shall accrue to and be at the disposal of the country of origin.

The Postal Administration of British Guiana shall, therefore, enter to the credit of the United States' Post Office Department, in the quarterly account, all those money-orders entered in the lists received from the United States which remain unpaid at the end of the period specified (Article XII).

On the other hand, the Post Office Department of the United States shall, at the close of each month, transmit to the Postal Administration of British Guiana, for entry in the quarterly account, a detailed statement of all money orders that are included in the lists dispatched from the latter country which, under this Article, become void.

XII. At the close of each quarter an account shall be prepared by the Postal Administration of British Guiana showing in detail the totals of the lists containing the particulars of money orders issued in both countries during the quarter, and the balance resulting from such transactions.

Three copies of this account shall be transmitted to the Post Office Department of the United States at Washington, and the balance, after proper verification, shall, if due by the United States' Post Office Department, be paid at Georgetown; but, if due by the Postal Administration of British Guiana, the balance shall be paid at New York, and in either case in the money of the country to which the payment is made. By mutual agreement, however, between the Post Office Department of the United States and the Postal Administration of British Guiana, payment of balances may be made in money, or by drafts, or bills of exchange on London or other cities, instead of on Georgetown and New York, at the rate of conversion fixed by Article XIII of this Convention.

If, pending the settlement of an account, either the United States' Post Office Department on the one hand, or the Postal Administration of British Guiana on the other, shall ascertain that the one owes the other a balance exceeding 5,000 dollars, the indebted Administration shall promptly remit an approximate amount of such balance to the credit of the other; but when the indebtedness is less than 5,000 dollars, nothing herein contained shall prevent the

debtor Administration from remitting any part of such indebtedness at discretion.

The quarterly account, and the letters which accompany the remittances of approximate balances, shall be drawn up in accordance with the Forms (C), (D), (E), (F), (G), and (H) annexed to this Convention.

XIII. Until the Postal Administrations of the United States and British Guiana consent to an alteration, it is agreed that in all matters of account relative to money orders which shall result from the execution of the present Convention the pound sterling of Great Britain shall be considered as equivalent to 4 dol. 87 c. of the money of the United States.

XIV. The Postal Administration of each of the two countries is authorized to adopt any additional rules (if not repugnant to the foregoing) for greater security against fraud or for the better working of the system generally.

All such additional rules, however, adopted by the Postal Administration of either country must be promptly communicated to the Postal Administration of the other.

XV. This Convention shall take effect on the 1st day of October, 1892, and shall continue in force until the expiration of a period of one year after the date upon which either of the Contracting Parties shall have notified to the other its intention to terminate it.

Done in duplicate, and signed at Washington, on the 25th May, in the year of our Lord 1892.

(L.S.) JULIAN PAUNCEFOTE, *Her Britannic Majesty's Minister.*

(L.S.) JNO. WANAMAKER, *Postmaster-General of the United States.*

*CONVENTION Téléphonique entre la Suisse et la France.—
Signée à Paris, le 31 Juillet, 1892.*

[Ratifications échangées à Paris, le 10 Juillet, 1893.]

LE Conseil Fédéral Suisse et le Président de la République Française, désirant régler le service de la correspondance téléphonique entre la Suisse et la France, et usant de la faculté qui leur est accordée par l'Article XVII de la Convention Télégraphique Internationale signée, le 22 Juillet, 1875,* à Saint-

* Vol. LXVI, page 19.

Pétersbourg, ont résolu de conclure une Convention à ce sujet et ont nommé pour leurs Plénipotentiaires, savoir :

Le Conseil Fédéral Suisse, M. Charles Edouard Lardy, Docteur en Droit, Envoyé Extraordinaire et Ministre Plénipotentiaire de la Confédération Suisse près le Gouvernement de la République Française ; et

Le Président de la République Française, M. Alexandre Ribot, Député, Ministre des Affaires Étrangères, &c., et M. Jules Roche, Député, Ministre du Commerce et de l'Industrie, &c. ;

Lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des dispositions suivantes :—

ART. I. Le service de la correspondance téléphonique entre la Suisse et la France est exploité par les Administrations Télégraphiques des deux pays.

II. Il est fait usage, à cette fin, de fils conducteurs, dont le diamètre, la conductibilité, et l'isolement sont en rapport avec les conditions dans lesquelles la correspondance doit s'effectuer.

Ces fils sont disposés de façon à éviter, dans la mesure la plus large possible, les effets de l'induction.

Chacune des deux Administrations fait exécuter à ses frais, sur son propre territoire, les travaux d'établissement et d'entretien des lignes téléphoniques.

III. Les circuits spécialement constitués pour servir à la correspondance téléphonique seront exclusivement affectés à ce service, à moins qu'il n'en soit décidé autrement par les deux Administrations.

Les Administrations peuvent, après accord entre elles, utiliser, à l'échange des communications téléphoniques, des fils déjà affectés à la transmission télégraphique.

IV. Les circuits téléphoniques aboutissent à des bureaux centraux, qui établissent la communication entre les postes des abonnés et les bureaux publics reliés de part et d'autre.

V. L'exploitation de la téléphonie entre la Suisse et la France est assurée par les agents des deux Administrations, chacune sur son territoire, ou par d'autres agents qu'elles ont agréés.

VI. L'unité admise, tant pour la perception des taxes que pour la durée des communications, est la conversation de trois minutes.

VII. Il ne peut être accordé, entre les deux mêmes correspondants, plus de deux conversations consécutives que s'il ne s'est produit aucune autre demande avant ou pendant ces deux conversations.

L'emploi du téléphone, l'ordre dans lequel s'échangent les conversations, les diverses règles du service, seront arrêtés d'un commun accord entre les deux Administrations.

Les communications d'État jouissent de la priorité attribuée

aux télégrammes d'État par l'Article V de la Convention Internationale de Saint-Pétersbourg du $\frac{1}{2}$ Juillet, 1875. La durée des communications d'État n'est pas limitée.

VIII. Les taxes des correspondances sont établies d'après la somme des distances prises à vol d'oiseau entre les divers bureaux téléphoniques centraux par lesquels passent les circuits utilisés pour la communication internationale.

Sont considérés comme directement desservis par le bureau central, tête de ligne du circuit international, tous les postes d'abonnés et les bureaux publics faisant partie du réseau principal et des réseaux annexes dépendant du réseau principal installé au siège de la localité où aboutit le circuit international.

La taxe à payer par conversation sur un circuit téléphonique international est formée du total des taxes élémentaires perçues dans chaque pays.

Ces taxes sont déterminées comme il suit, par unité de conversation de trois minutes :

En Suisse—

A 25 centimes, pour les conversations échangées entre les localités situées de part et d'autre dans un rayon de 10 kilom. à partir de la frontière, mesuré à vol d'oiseau, comme il a été indiqué ci-dessus ;

A 50 centimes pour toutes les distances supérieures à 10 kilom., jusqu'à 100 kilom. ;

A 75 centimes pour toutes les distances supérieures à 100 kilom. ;

En France—

A 25 centimes, pour les conversations échangées entre deux localités situées de part et d'autre dans un rayon de 10 kilom. à partir de la frontière, mesuré à vol d'oiseau, comme il a été indiqué ci-dessus ;

A 50 centimes, pour toutes les distances supérieures à 10 kilom., par 100 kilom. ou fraction de 100 kilom. à partir de la frontière, mesurés à vol d'oiseau, comme il a été indiqué ci-dessus.

IX. Les Administrations intéressées désignent, d'un commun accord, les circuits par lesquels pourront être échangées des communications téléphoniques internationales, les villes autorisées à profiter de ces communications, les taxes applicables aux divers réseaux qui seront successivement mis en relation, et les heures entre lesquelles ces communications pourront s'échanger.

X. La part de taxe qui lui est propre est acquise à chaque Administration d'après la base indiquée à l'Article VIII.

Les recettes provenant du service téléphonique font, de la part de chaque Administration, l'objet d'un compte spécial indépendant du compte des recettes télégraphiques.

XI. Chacune des deux Parties Contractantes se réserve de

suspendre totalement ou partiellement le service téléphonique pour une raison d'ordre public, sans être tenue à aucune indemnité.

XII. Les deux Administrations ne sont soumises à aucune responsabilité à raison du service de la correspondance privée par voie téléphonique.

XIII. Les dispositions de la présente Convention seront complètes par un règlement de service qui peut, à toute époque, être modifié, d'un commun accord, par les Administrations Télégraphiques des deux pays.

XIV.* La présente Convention sera mise à exécution à la date qui sera fixée par les Administrations Télégraphiques des deux pays. Elle restera en vigueur pendant trois mois après la dénonciation, qui pourra toujours en être faite par l'une ou l'autre des Administrations intéressées.

En foi de quoi les Plénipotentiaires respectifs ont signé la présente Convention, qu'ils ont revêtue de leurs cachets.

Fait en double à Paris, le 31 Juillet, 1892.

(L.S.) LARDY.

(L.S.) JULES ROCHE.

(L.S.) RIBOT.

CONVENTION entre l'Allemagne et les Pays-Bas, relative à la Construction du Chemin de Fer de Sittard à Herzogenrath. — Signée à Berlin, le 28 Novembre, 1892.

[Ratifications échangées à Berlin, le 13 Février, 1893.]

Sa Majesté l'Empereur d'Allemagne, Roi de Prusse, au nom de l'Empire Allemand, d'une part, et Sa Majesté la Reine des Pays-Bas, et en son nom la Reine-Régente du Royaume des Pays-Bas, d'autre part, voulant régler d'un commun accord les questions relatives à la construction du chemin de fer de Sittard à Herzogenrath, ont nommé à cet effet pour leurs Plénipotentiaires, savoir :

Sa Majesté l'Empereur d'Allemagne, Roi de Prusse, le Sieur Eberhard d'Avis, son Conseiller Intime Supérieur de Régence ; le Sieur Franz von Aichberger, son Conseiller Intime de Légation ; et le Sieur Friederich Lehmann, son Conseiller Intime des Finances ;

Sa Majesté la Reine-Régente du Royaume des Pays-Bas, le

* Conformément à l'Article XIV de la Convention, les Administrations Télégraphiques des deux pays se sont mises d'accord pour la date de son entrée en vigueur, qu'elles ont fixée au 1^{er} Septembre, 1893.

Sieur Jean Chrétien de Marez-Oyens, Directeur au Ministère du Waterstaat, du Commerce et de l'Industrie; et le Sieur Henri François Charles Emile Seydlitz, Membre de la Délégation permanente des États provinciaux dans la Province de Limbourg;

Lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivants:—

ART. I. Le Gouvernement Prussien et le Gouvernement Néerlandais s'engagent à autoriser et à favoriser l'établissement d'un chemin de fer d'intérêt local de Sittard à Herzogenrath.

Le Gouvernement Prussien s'engage, en particulier, à accorder, aux conditions d'usage, à la Compagnie Néerlandaise du chemin de fer du sud, à laquelle le Gouvernement Néerlandaise a déjà concédé la partie de la ligne située dans les Pays-Bas, la concession pour l'établissement et l'exploitation de la section située sur le territoire Prussien, dès que le Gouvernement Néerlandais lui aura notifié l'entrée en vigueur de la Convention d'exploitation conclue le 16 Novembre, le 10 Septembre, et le 7 Septembre, 1892, entre l'État Néerlandais, la dite Compagnie de chemin de fer et la Société pour l'exploitation des chemins de fer de l'État Néerlandais. Voir l'Article XXIX de cette Convention.

En outre, le Gouvernement Prussien consent que l'exploitation ainsi que la voie et les installations de la partie du chemin de fer située en Prusse soient transférées plus tard, conformément à la dite Convention d'exploitation, à la Société pour l'exploitation des chemins de fer de l'État Néerlandais, ou bien à l'État Néerlandais.

II. Le chemin de fer devra être achevé et mis en exploitation au plus tard dans l'espace de deux ans après que la dite Compagnie de chemin de fer aura obtenu la concession du Gouvernement Prussien. Si toutefois l'achèvement de la ligne était retardé au delà de ce terme par des circonstances qui, selon l'appréciation souveraine des autorités de contrôle sur les chemins de fer dans les deux pays, ne sauraient être imputées à la Compagnie, ces autorités lui accorderont une prolongation de délai équivalente à ce retard.

III. Chacun des deux Gouvernements statuera, pour son territoire, sur les détails du tracé ainsi que sur le plan général et les projets spéciaux de la construction; toutefois les dispositions pour la construction et pour l'exploitation de la ligne, notamment la suprastructure et les signaux sur la partie située en Prusse, devront s'accorder avec les dispositions arrêtées pour la partie de la ligne située dans les Pays-Bas. Le point d'intersection de la ligne avec la frontière sera déterminé, le cas échéant, par des commissaires désignés par chacun des deux Gouvernements.

IV. La largeur de la voie mesurée entre les rails sera de 1^m435 mètre.

La voie et le matériel d'exploitation seront disposés de manière que le matériel roulant puisse passer directement sur les autres lignes.

Le matériel d'exploitation approuvé par le Gouvernement Néerlandais sera admis sans examen ultérieur sur le territoire Prussien.

V. Sans préjudice des droits de souveraineté et de contrôle appartenant au Gouvernement Prussien sur la section située sur son territoire et sur l'exploitation de cette section, le contrôle supérieur sur la dite Compagnie de chemin de fer est, en général, dévolu au Gouvernement Néerlandais, sur le territoire duquel la dite Compagnie a son siège.

Le Gouvernement Prussien consent que les horaires et les tarifs, même pour autant qu'ils se rapportent à la partie de la ligne située en Prusse, soient approuvés et arrêtés par le Gouvernement Néerlandais, pourvu que, dans les tarifs, il ne soit appliqué un prix d'unité plus élevé pour la partie Prussienne que pour la partie Néerlandaise de la ligne.

VI. Le Gouvernement Prussien se réserve le droit de charger une autorité compétente ou un commissaire spécial du soin de ses rapports avec la dite Compagnie de chemin de fer, ainsi que de l'exercice de son droit de contrôle sur la partie de la ligne située en Prusse. Ceux-ci représenteront le Gouvernement dans ses rapports avec la dite Compagnie de chemin de fer, toutes les fois qu'il n'a pas été donné lieu à une intervention directe des autorités compétentes Prussiennes judiciaires ou de police.

VII. Les sujets d'une des Parties Contractantes, nommés et employés par la dite Compagnie du chemin de fer sur le territoire de l'autre, ne cessent pas, de ce chef, d'être les sujets du pays auquel ils appartiennent.

Les places des employés locaux sur le territoire Prussien devront, autant que possible, être occupées par des nationaux.

Tous les employés indistinctement et sans égard pour leur lieu de stationnement sont soumis au pouvoir disciplinaire de l'autorité qui les a nommés, mais, pour le reste, aux lois et autorités de l'État dans lequel ils sont domiciliés.

VIII. Pour favoriser autant que possible l'exploitation de ce chemin de fer, les deux Gouvernements accorderont aux voyageurs, à leurs bagages et aux marchandises transportés sur cette ligne, quant aux formalités de douane, toutes les facilités compatibles avec les lois douanières et les règlements généraux des deux États, et, spécialement, celles qui sont déjà ou qui, par la suite, seront accordées, quant aux formalités de douane, à tout autre chemin de fer traversant la frontière de l'un des deux États.

Les marchandises et bagages transportés de l'un des deux pays dans l'autre, en destination de stations autres que celles

situées à la frontière, seront admis à passer directement au lieu de leur destination, sans être soumis aux visites douanières à la frontière, pourvu qu'il y ait un bureau de douane au lieu de destination et qu'il y soit satisfait aux lois et règlements généraux, et sans préjudice du droit légal de la douane des deux États de visiter, au besoin et dans des cas exceptionnels, les marchandises et bagages ailleurs qu'au lieu de leur destination.

Les deux Gouvernements se confèrent réciproquement le droit de faire escorter par leurs employés de douane, expédiés gratuitement dans ce cas, les convois circulant entre les stations frontières des deux pays, le tout sans préjudice de l'application des lois et règlements de chaque pays pour le parcours sur son territoire.

IX. L'organisation du service postal et télégraphique est réservée à une entente ultérieure entre les Administrations des Postes et des Télégraphes des deux pays.

L'échange du service postal aura lieu à Herzogenrath, et la dite Compagnie de chemin de fer sera soumise, sur la section située en Prusse, en faveur de l'Administration Postale Néerlandaise, aux mêmes obligations que celles que la concession lui impose sur la partie située sur le territoire Néerlandais.

X. Conformément à la Loi Prussienne du 16 Mars, 1867, le Gouvernement Prussien percevra une contribution du produit de l'exploitation sur le territoire Prussien.

La quote-part des frais d'établissement et du produit net annuel, qui servira de base à la fixation de cette contribution, sera déterminée d'après le rapport de la longueur de la Section Prussienne à la longueur totale de la ligne.

La contribution sera perçue annuellement pour l'exercice précédent, et, pour la première fois, pour l'année budgétaire qui suivra l'année de la mise en exploitation.

XI. Le Gouvernement Prussien se réserve la faculté de céder à l'Empire Allemand les droits et les obligations résultant pour lui de cette Convention.

XII. La présente Convention sera ratifiée, et l'échange des ratifications se fera à Berlin le plus tôt possible.

En foi de quoi les Plénipotentiaires ont signé la présente Convention et y ont apposé le sceau de leurs armes.

Fait à Berlin, le 28 Novembre, 1892.

(L.S.) D'AVIS.

(L.S.) v. AICHBERGER.

(L.S.) LEHMANN.

(L.S.) DE MAREZ-OYENS.

(L.S.) H. F. SEYDLITZ

LOI du Grand-Duché de Luxembourg, concernant la Police des Étrangers.—Le 30 Décembre, 1893.

Nous Adolphe, par la grâce de Dieu, Grand-Duc de Luxembourg, Duc de Nassau, &c. ;

Notre Conseil d'État entendu ;

De l'assentiment de la Chambre des Députés ;

Vu la décision de la Chambre des Députés du 22 Décembre, 1893, et celle du Conseil d'État en date du même jour, portant qu'il n'y a pas lieu à second vote ;

Avons ordonné et ordonnons :

ART. 1^{er}. Tout étranger, non admis à domicile, qui se propose d'établir sa résidence dans le Grand-Duché, devra, dans les cinq jours à partir de son arrivée, faire à l'autorité locale de la commune où il voudra fixer cette résidence une déclaration à ces fins.

En cas de changement de résidence, une nouvelle déclaration sera faite dans le même délai devant l'autorité locale de la commune où l'étranger aura fixé sa nouvelle résidence.

Ces déclarations comprendront toutes les personnes étrangères qui vivent dans le ménage du déclarant ou demeurent avec lui, y compris ses domestiques étrangers.

Un récépissé de sa déclaration sera délivré gratuitement à l'intéressé.

2. Il est défendu à toute personne, sous les peines édictées par la présente Loi, d'occuper comme domestiques ou ouvriers ou de recevoir comme locataires, des étrangers qui ne prouvent pas qu'ils ont fait de déclaration prescrite par l'exhibition du récépissé prévu par l'Article 1^{er}.

3. La déclaration prescrite par l'Article 1^{er} contiendra les indications nécessaires pour pouvoir constater et respectivement vérifier l'état civil, les antécédents et les moyens d'existence de l'étranger et des autres personnes comprises dans la déclaration.

Elles sont transmises aussitôt au parquet de la Cour par l'autorité ou l'agent chargé de la recevoir.

4. L'extrait du registre prévu par l'Article 555 du Code Pénal est dressé en double dans la forme d'un état collectif. L'un des doubles est remis dans les vingt-quatre heures de l'inscription au dit registre au parquet de la Cour et l'autre à l'autorité locale.

Un Arrêté Ministériel déterminera le mode de transmission de ces extraits.

5. L'entrée dans le Grand-Duché peut être refusée à l'étranger

reconnu comme dangereux ou comme pouvant compromettre la tranquillité et l'ordre publics.

L'établissement dans le pays peut être refusé à ces mêmes étrangers, ainsi qu'à ceux dépourvus de papiers de légitimation ou de moyens d'existence suffisants pour eux et leur famille.

6. L'étranger non résidant trouvé en état de vagabondage ou de mendicité ou en contravention à la loi sur les professions ambulantes dans une commune frontière du pays, et celui auquel l'entrée dans le pays a été refusée en conformité de l'Article 5, § 1^{er}, peuvent être conduits immédiatement à la frontière par la force publique.

Pourront être également conduits directement à la frontière par la force publique les étrangers non résidants qui seront trouvés dans le Grand-Duché, en réunion de trois ou d'un plus grand nombre, en état de vagabondage ou de mendicité, ou en contravention à la loi sur les professions ambulantes.

7. L'étranger résidant dans le Grand-Duché, qui par sa conduite compromet la tranquillité ou l'ordre publics, ou qui a été condamné ou est poursuivi à l'étranger pour un crime ou délit donnant lieu à extradition, conformément à la loi ou aux traités sur la matière, peut être contraint de s'éloigner d'un certain lieu, d'habiter dans un lieu déterminé, ou même être renvoyé ou expulsé du Grand-Duché, tant que son extradition n'est pas demandée.

Peuvent également être expulsés—

(1.) Les étrangers qui continuent à résider dans le pays, après qu'ils auront été dûment avertis que l'établissement dans le Grand-Duché leur a été refusé ;

(2.) Ceux qui après avoir été renvoyés ou conduits à la frontière, en vertu de l'Article 6, reparaissent dans le pays endéans les deux années ; et

(3.) Ceux qui ne se seront pas conformés aux conditions de résidence leur imposées par le premier paragraphe du présent Article.

8. L'étranger se trouvant dans le cas de faire la déclaration prévue par les Articles 9 et 10 du Code Civil, l'Article 10 de la Constitution,* et l'Article unique de la Loi interprétative du 5 Février, 1890, ne peut être expulsé avant l'échéance du délai d'option.

9. Les mesures prévues par l'Article 5 de la présente Loi sont prises par le Gouvernement et celles prévues par l'Article 7 après délibération du Gouvernement en Conseil, par le Membre du Gouvernement ayant dans ses attributions le service de la Police Générale.

Ces arrêtés ne sont susceptibles d'aucun recours.

* Vol. LVIII, page 249.]

Les arrêtés d'expulsion seront signifiés par huissier, à la réquisition du Procureur-Général, aux étrangers qu'ils concernent. Les actes de notification sont soumis au tarif des frais en matière répressive.

Les arrêtés pris en vertu de l'Article 5 seront transmis aux intéressés par voie administrative.

10. L'arrêté d'expulsion fixera le délai endéans lequel l'expulsé devra quitter le pays.

Les expulsés se trouvant en état de détention peuvent être conduits à la frontière dès l'expiration de leur détention.

11. L'individu expulsé en vertu de l'Article 7 a la faculté de désigner la frontière par laquelle il entend quitter le pays.

Faute par lui de faire connaître cette désignation, la frontière est désignée d'office par le Procureur-Général.

L'expulsé qui serait trouvé dans le pays après l'expiration du délai lui accordé pour le quitter sera conduit à la frontière par la force publique.

12. Seront punis d'une amende de 10 fr. à 25 fr. :—

(1.) L'étranger qui aura négligé de faire, dans le délai prescrit, la déclaration prévue par l'Article 1^{er}, ou l'aura faite d'une façon incomplète au regard des prescriptions de l'Article 3, ou qui refusera de produire son récépissé à première réquisition ;

(2.) Ceux qui auront négligé de fournir, dans le délai prescrit, l'extrait prévu par l'Article 4 ou l'auront produit dans une forme incomplète au regard des prescriptions de l'Article 555 du Code Pénal ;

(3.) Ceux qui auront reçu comme domestiques, ouvriers ou locataires des étrangers non munis de récépissé constatant qu'ils ont fait la déclaration prévue par l'Article 1^{er}.

Les Articles 565 et 566 du Code Pénal sont applicables aux contraventions prévues par le présent Article.

En cas de récidive le Tribunal est autorisé à prononcer, indépendamment de l'amende, un emprisonnement pendant douze jours au plus.

13. Seront punis d'une amende de 26 fr. à 300 fr. et d'un emprisonnement de huit jours à trois mois, les étrangers qui, lors des déclarations de résidence, auront donné sciemment à l'autorité compétente de fausses indications sur leur état civil, leur lieu de naissance ou celui de leur dernière résidence, ou sur l'état civil, le lieu de naissance ou celui de la dernière résidence des autres personnes comprises dans la déclaration.

14. Seront punis d'un emprisonnement de quinze jours à six mois et d'une amende de 50 fr. à 500 fr., les étrangers expulsés qui sont rentrés dans le Grand-Duché sans autorisation préalable.

A l'expiration de leur peine ils seront conduits à la frontière.

15. Le Livre 1^{er} du Code Pénal, à l'exception des §§ 2 et 3 et de l'Article 72 et du § 2 de l'Article 76, ainsi que la Loi du 18 Juin, 1879, portant attribution aux Cours et aux Tribunaux de l'appréciation des circonstances atténuantes, sont applicables aux délits prévus par les Articles 13 et 14.

16. La Loi du 10 Mars, 1880, ainsi que toutes les dispositions contraires à la présente Loi, sont abrogées.

Mandons et ordonnons que la présente Loi soit insérée au "Mémorial," pour être observée et exécutée par tous ceux que la chose concerne.

Château de Hohenbourg, le 30 Décembre, 1893.

ADOLPHE.

EYSCHEN, *Ministre d'État, Président du Gouvernement.*

DECLARATION between Germany and Roumania, prolonging the Provisional Commercial Agreement of July 1, 1892.—
Signed at Berlin, January 28, 1893.*

(Translation.)

THE Undersigned, being duly empowered for the purpose, declare, in the name of their Governments, that the Commercial

* Le Gouvernement Royal de Roumanie et le Gouvernement Impérial d'Allemagne, désirant régler provisoirement, en vue de la conclusion d'un Traité de Commerce définitif, les relations commerciales entre les deux pays, les Sous-signes, régulièrement autorisés dans ce but, sont tombés d'accord sur ce qui suit:

L'Allemagne concède aux produits du sol de la Roumanie, indiqués sous les numéros suivants du Tarif Allemand, à savoir:—

- 9. (a.) Blé;
- (b.) α. Seigle;
- (b.) β. Avoine;
- (b.) γ. Blé noir;
- (b.) ε. Autres graines, non dénommées;
- (c.) Orge;
- (d.) α. Colza et autres graines oléagineuses;
- Ex (e). Maïs;
- (f.) Malt;

A leur importation en Allemagne, par n'importe quelle voie, le traitement de la nation la plus favorisée.

La Roumanie garantit à l'Allemagne le traitement de la nation la plus favorisée et s'oblige à ne pas élever son Tarif Douanier actuel. En outre, elle s'engage à entrer en négociations avec l'Allemagne pour la conclusion d'un Traité de Commerce définitif, le plus tôt possible et avant l'expiration du présent Arrangement.

Cet Arrangement entrera en vigueur le ^{22 Juin}_{4 Juillet}, 1893, et ses effets cesseront le ¹⁵₃₀ Novembre, 1892.

Fait à Bucarest, le ^{19 Juin}_{1 Juillet}, 1892.

(L.S.) AL. LAHOVARY.

(L.S.) B. VON BÜLOW.

Agreement concluded by the Declaration signed at Bucharest on the ^{19th June}_{1st July}, 1892, shall remain in force till the 31st March, 1893.

Given at Berlin, January 28, 1893.

(L.S.) BARON VON MARSCHALL.

(L.S.) GHICA.

CONVENTION Commerciale entre la France et la Chine.—

*Signée à Tien-tsin, le 25 Avril, 1886.**

[Ratifications échangées à Pékin, le 7 Août, 1896.]

LE Président de la République Française et Sa Majesté l'Empereur de Chine, désirant conclure, conformément aux dispositions de l'Article VI du Traité du 9 Juin, 1885,† une Convention pour régler les conditions dans lesquelles s'effectuera le commerce par terre entre le Tonkin et les provinces méridionales de l'Empire, et prenant, d'autre part, en considération l'Article X du même Acte, qui maintient les anciens Traités, Accords, et Conventions conclus entre la France et la Chine, ont nommé pour leurs Plénipotentiaires, savoir :

Le Président de la République Française, le Sieur François-Georges Cogordan, Ministre Plénipotentiaire, Sous-Directeur des Affaires Politiques au Ministère des Affaires Étrangères, Officier de l'Ordre de Légion d'Honneur, Grand Officier de l'Ordre de la Couronne d'Italie, &c., Envoyé en Mission Extraordinaire en Chine; assisté du Sieur François-Edmond Bruwaert, Consul de France, Commandeur de l'Ordre de Gustave Wasa de Suède, Chevalier de l'Ordre de Léopold de Belgique, &c. ; et

Sa Majesté l'Empereur de Chine, Li Hong-Tchang, Commissaire Impérial, Premier Grand Secrétaire d'État, Grand Précepteur Honoraire de l'Héritier-Présumptif, Surintendant du Commerce des Ports du Nord, Directeur-Adjoint des Armées Navales, Gouverneur-Général de la Province Tché-Li, appartenant au premier degré du troisième rang de la Noblesse, avec le titre de Sou-Yi;

Lesquels, après s'être communiqué leurs pleins pouvoirs, qui ont été reconnus en bonne et due forme, sont convenus des stipulations suivantes :—

ART. I.* Aux termes de l'Article V du Traité du 9 Juin, 1885, les Hautes Parties Contractantes conviennent qu'il y a lieu, quant à présent, d'ouvrir au commerce deux localités, l'une au nord de Langson, et l'autre au-dessus de Laokai.

* See also Additional Convention of June 26, 1887, page 744.

† Vol. LXXVI, page 239.

La Chine y établira des bureaux de douane, et la France aura la faculté d'y nommer des Consuls qui jouiront de tous les droits et privilèges concédés en Chine aux Consuls de la nation la plus favorisée.

Les travaux de la Commission chargée de la délimitation des deux pays ne se trouvant pas terminés au moment de la signature de la présente Convention, la localité à ouvrir au commerce au nord de Langson devra être choisie et déterminée dans le courant de la présente année, après entente entre le Gouvernement Impérial et le Représentant de la France à Pékin. Quant à la localité qui devra être ouverte au commerce au-dessus de Laokai, elle sera également déterminée d'un commun accord, à la suite des travaux de reconnaissance de la frontière entre les deux pays.

II.* Le Gouvernement Impérial pourra nommer des Consuls à Hanoi et à Haïphong. Des Consuls Chinois pourront aussi être envoyés plus tard dans d'autres grandes villes du Tonkin, après entente avec le Gouvernement Français. Ces Agents seront traités de la même manière, et auront les mêmes droits et privilèges, que les Consuls de la nation la plus favorisée établis en France. C'est avec les autorités Françaises chargées du Protectorat qu'ils entretiendront tous leurs rapports officiels.

III. Il est convenu de part et d'autre que, dans les localités où des Consuls seront envoyés, les autorités respectives s'emploieront à faciliter l'installation de ces Agents dans des résidences honorables.

Les Français pourront s'établir dans les localités ouvertes au commerce à la frontière de Chine dans les conditions prévues par les Articles VII, X, XI, XII, et autres du Traité du 27 Juin, 1858.† Les Annamites jouiront dans ces localités du même traitement privilégié.

IV. Les Chinois auront le droit de posséder des terrains, d'élever des constructions, d'ouvrir des maisons de commerce et d'avoir des magasins dans tout l'Annam. Ils obtiendront pour leur personne, leurs familles, et leurs biens, protection et sécurité, à l'égal des sujets de la nation Européenne la plus favorisée, et, comme ces derniers, ils ne pourront être l'objet d'aucun mauvais traitement. Les correspondances officielles et privées, les télégrammes des fonctionnaires et commerçants Chinois, seront transmis sans difficulté par les Administrations Postale et Télégraphique Françaises.

Les Français recevront de la Chine le même traitement privilégié.

V. Les Français, protégés Français, ou étrangers établis au Tonkin pourront franchir la frontière et pénétrer en Chine, à la condition d'être munis de passeports. Ces passeports seront

* See Exchange of Notes, June 23, 1887, page 747.

† Vol. LI, page 637.

délivrés par les autorités Chinoises de la frontière, à la requête des autorités Françaises, qui les demanderont seulement en faveur de personnes honorables : ils seront rendus au retour et annulés. Lorsqu'un voyageur devra traverser une localité occupée par des aborigènes ou des sauvages, il sera mentionné sur le passeport qu'il n'y a pas dans cette localité de fonctionnaire Chinois qui puisse le protéger.

Les Chinois qui voudront se rendre de Chine au Tonkin par la voie de terre devront de la même manière être munis de passeports délivrés par les autorités Françaises à la requête des autorités Chinoises, qui les demanderont seulement en faveur de personnes honorables.

Les passeports ainsi délivrés de part et d'autre serviront simplement de titre de voyage, et ne pourront pas être considérés comme des certificats d'exemption de taxe pour le transport des marchandises.

Les autorités Chinoises sur le sol Chinois et les autorités Françaises au Tonkin auront le droit d'arrêter les personnes qui auraient franchi la frontière sans passeport et de les remettre aux mains des autorités respectives, pour être jugées et punies, s'il y a lieu.

Les Chinois habitant l'Annam pourront rentrer du Tonkin en Chine en obtenant simplement des autorités Impériales un laissez-passer leur permettant de franchir la frontière.

Les Français et autres personnes établis dans les localités ouvertes à la frontière pourront circuler sans passeport dans un rayon de 50 lis autour de ces localités.

VI.* Les marchandises importées dans les localités ouvertes au commerce à la frontière de Chine par les négociants Français et les protégés Français peuvent, après acquittement des droits d'importation, être transportées sur les marchés intérieurs de la Chine dans les conditions fixées par le septième Règlement annexe du Traité du 27 Juin, 1858, et par les Règlements Généraux de la Douane Maritime sur les passes de transit à l'importation.

Dès que des marchandises étrangères seront importées dans ces localités, déclaration devra être faite en douane de la nature et de la quantité de ces marchandises, ainsi que du nom de la personne qui les accompagne. La Douane fera procéder à la vérification et percevra le droit du Tarif Général de la Douane Maritime Chinoise diminué d'un cinquième. Les articles non dénommés au Tarif resteront passibles du droit de 5 pour cent *ad valorem*. Ce n'est qu'après que le droit aura été payé que les marchandises pourront sortir de magasin, être expédiées et vendues. Le négociant qui voudrait envoyer dans l'intérieur des

* Modified by Article III of Additional Convention of June 26, 1887, page 744.

marchandises étrangères devra faire une nouvelle déclaration en douane, et payer, sans réduction, le droit de transit inscrit dans les Règlements Généraux de la Douane Maritime Chinoise. Après ce paiement, la Douane délivrera une passe de transit, qui permettra au porteur de se rendre dans la localité désignée sur la passe pour y disposer des dites marchandises.

A ces conditions, aucune perception nouvelle ne sera faite au passage des barrières intérieures et des bureaux de *li-kin*.

Les marchandises pour lesquelles des passes de transit n'auraient pas été demandées seront passibles de tous les droits de barrière et de *li-kin* imposés aux produits indigènes dans l'intérieur du pays.

VII.* Les marchandises achetées par des Français ou des protégés Français sur les marchés intérieurs de la Chine peuvent être amenées dans les localités ouvertes de la frontière pour être, de là, exportées au Tonkin dans les conditions fixées par le septième Règlement annexe du Traité du 27 Juin, 1858, sur le transit des marchandises d'exportation.

Lorsque des marchandises Chinoises arriveront dans ces localités pour être exportées, déclaration devra être faite en douane de la nature et de la quantité de ces marchandises, ainsi que du nom de la personne qui les accompagne. La Douane fera procéder à la vérification, Celles de ces marchandises qui auraient été achetées à l'intérieur par le négociant muni d'une passe de transit, et qui n'auraient, dès lors, acquitté ni taxe de *li-kin* ni taxe de barrière, auront d'abord à payer le droit de transit inscrit au Tarif Général de la Douane Maritime Chinoise. Elles payeront ensuite le droit d'exportation du Tarif Général diminué d'un tiers. Les articles non dénommés au Tarif resteront passibles du droit de 5 pour cent *ad valorem*. Après l'acquittement de ces taxes, les marchandises pourront sortir librement et être expédiées au delà de la frontière.

Le négociant qui, ayant acheté des marchandises dans l'intérieur, ne sera pas muni d'une passe de transit, devra acquitter au passage des bureaux de perception les taxes de barrière et de *li-kin*; des récépissés devront lui être délivrés. A son arrivée à la douane, il sera exempté du paiement du droit de transit sur le vu de ces récépissés.

Les commerçants Français et protégés Français important ou exportant des marchandises par les bureaux de douane de la frontière du Yunnan et du Kouang-Si, et les commerçants Chinois important ou exportant des marchandises au Tonkin, n'auront à acquitter aucune taxe de péage pour leurs voitures ou leurs bêtes de somme. Sur les cours d'eau navigables franchissant la frontière, les barques pourront être, de part et d'autre, soumises à un droit de

* Modified by Article III of Additional Convention of June 26, 1887, page 744.

tonnage, conformément au Règlement de la Douane Maritime des deux pays.

En ce qui concerne les dispositions du présent Article et du précédent, il est convenu entre les Hautes Parties Contractantes que, si un nouveau Tarif Douanier vient à être établi, d'un commun accord, entre la Chine et une tierce Puissance pour le commerce par terre sur les frontières sud-ouest de l'Empire Chinois, la France pourra en obtenir l'application.

VIII. Les marchandises étrangères qui, n'ayant pu être vendues, seraient, dans un délai de trente-six mois après avoir acquitté le droit d'importation à l'une des douanes frontières Chinoises, ré-expédiées vers l'autre douane frontière, seront examinées à la première de ces douanes, et si les enveloppes en sont restées intactes, si rien n'en a été distrait ou changé, elles recevront un certificat d'exemption du montant de la taxe primitivement perçue. Le porteur de ce certificat d'exemption pourra le remettre à l'autre douane frontière à l'acquit du nouveau droit qu'il aura à payer. La douane pourra également délivrer des bons valables pendant trois ans, pour tout payement ultérieur à faire au même bureau. Il ne sera jamais rendu d'argent.

Si ces mêmes marchandises sont ré-expédiées vers un des ports ouverts de la Chine, elles y seront, conformément à la règle générale de la Douane Maritime Chinoise, soumises au droit d'importation, sans qu'on puisse y faire usage de ces certificats ou bons des douanes frontières. Il ne sera pas non plus possible d'y présenter à l'acquit des droits les quittances délivrées par les douanes frontières lors du premier versement. Quant aux droits de transit, une fois acquittés, ils ne pourront jamais, conformément aux règlements appliqués dans les ports ouverts, donner lieu à la délivrance de bons ou certificats d'exemption.

IX. Les marchandises Chinoises qui, après avoir acquitté à l'un des bureaux de la frontière les droits de transit et d'exportation, seraient ré-expédiées vers l'autre douane frontière pour être vendues, ne seront soumises, à leur arrivée à cette seconde douane, qu'au payement, à titre de droit de réimportation, de la moitié du droit d'exportation déjà perçu. Ces marchandises ne pourront alors, conformément aux règlements établis dans les ports ouverts, être transportées dans l'intérieur par les commerçants étrangers.

Si ces marchandises Chinoises sont transportées dans un des ports ouverts de la Chine, elles seront assimilées à des marchandises étrangères et devront acquitter un nouveau droit entier d'importation, conformément au Tarif Général de la Douane Maritime.

Ces marchandises seront admises à payer le droit de transit pour pénétrer dans l'intérieur.

Les marchandises Chinoises exportées d'un port de mer de Chine vers un port Annamite pour être de là transportées à la frontière de terre et rentrer ensuite en territoire Chinois, seront traitées comme marchandises étrangères et devront payer le droit local d'importation. Ces marchandises seront admises à payer le droit de transit pour pénétrer dans l'intérieur.

X. Les déclarations en douanes Chinoises devront être faites dans les trente-six heures qui suivront l'arrivée des marchandises importées ou exportées, sous peine d'une amende de 50 taëls par chaque jour de retard, sans que cette amende puisse excéder 200 taëls.

Une déclaration inexacte de la quantité des marchandises, s'il est prouvé qu'elle a été faite dans l'intention d'échapper au paiement des droits, entraîne pour le marchand la confiscation de ses marchandises. Les marchandises qui, non munies du permis du chef de la Douane, seraient clandestinement introduites par des chemins détournés, déballées, et vendues, ou qui seraient l'objet d'un acte intentionnel de contrebande, seront intégralement confisquées. Toute fausse déclaration ou manœuvre tendant à tromper la douane sur la qualité, la quantité, la réelle provenance ou la réelle destination des marchandises appelées à bénéficier des passes de transit, donnera lieu à la confiscation des marchandises. Ces pénalités devront être prononcées dans les conditions et selon la procédure fixées par le Règlement du 31 Mai, 1868.

Dans tous les cas où la confiscation aura été prononcée, le négociant pourra libérer ses marchandises moyennant le versement d'une somme équivalente à leur valeur dûment déterminée par une entente avec les autorités Chinoises.

Les autorités Chinoises auront toute liberté d'aviser aux mesures à prendre en Chine, le long de la frontière, afin d'empêcher la contrebande.

Les marchandises descendant ou remontant les voies navigables à bord de bateaux Français, Annamites, ou Chinois ne devront pas être nécessairement débarquées à la frontière, à moins qu'il n'y ait apparence de fraude ou divergence entre l'état de la cargaison et les déclarations du manifeste. La douane ne pourra qu'envoyer à bord des dits bateaux des agents pour en faire la visite.

XI.* Les produits d'origine Chinoise importés au Tonkin par la frontière de terre auront à acquitter le droit d'importation du Tarif Franco-Annamite. Ils ne payeront aucun droit d'exportation à la sortie du Tonkin. Il sera donné communication au Gouvernement Impérial du nouveau Tarif que la France établira au Tonkin.

S'il est établi au Tonkin des taxes d'accise, de consommation ou

* See Article IV of Additional Convention of June 26, 1887, page 744.

de garantie sur certains articles de production indigène, les produits similaires Chinois auront à subir à l'importation des taxes équivalentes.

XII. Les marchandises Chinoises qui seraient transportées à travers le Tonkin d'une des deux douanes frontières vers l'autre douane frontière ou vers un port Annamite, pour être de là exportées en Chine, seront soumises à un droit spécifique de transit qui ne dépassera pas 2 pour cent de la valeur ; au point de sortie du territoire Chinois ces marchandises devront être reconnues par l'autorité douanière Française de la frontière, qui en spécifiera la nature, la quantité, et la destination dans des certificats d'origine destinés à être produits à toute réquisition des autorités Françaises, durant le parcours à travers le Tonkin, ainsi qu'au port de transbordement.

Afin de garantir la Douane Franco-Annamite contre toute fraude possible, ces produits Chinois acquitteront à l'entrée du Tonkin le droit d'importation.

Une passe-debout les accompagnera jusqu'à la sortie, soit par le port de transbordement, soit à la frontière terrestre, et les sommes versées par le propriétaire des marchandises lui seront, déduction faite du droit de transit, restituées à ce moment, s'il y a lieu, en échange du récépissé délivré par les douanes du Tonkin.

Toute fausse déclaration ou manœuvre tendant d'une manière évidente à tromper l'administration Française sur la qualité, la quantité, la réelle provenance ou la réelle destination des marchandises appelées à jouir du traitement spécial applicable aux produits Chinois qui traverseront le Tonkin en transit, donnera lieu à la confiscation des marchandises.

Dans tous les cas où la confiscation aura été prononcée, le négociant pourra libérer ses marchandises moyennant le paiement d'une somme équivalente à leur valeur dûment déterminée par une entente avec les autorités Françaises.

Les mêmes règles et la même taxe de transit seront applicables en Annam aux marchandises Chinoises qui seront expédiées d'un port de Chine vers un port Annamite pour gagner, de là, les douanes frontières Chinoises à travers le Tonkin.

XIII. Les articles suivants—

L'or et l'argent en barres ;

La monnaie étrangère ;

La farine, la farine de maïs, le sagou ;

Le biscuit ;

Les conserves de viandes et de légumes ;

Le fromage, le beurre, les sucreries ;

Les vêtements étrangers ;

La bijouterie ;

L'argenterie ;

La parfumerie ;
 Les savons de toute espèce ;
 Le charbon de bois ;
 Le bois à brûler ;
 Les bougies et la chandelle étrangères ;
 Le tabac ;
 Le vin, la bière, les spiritueux ;
 Les articles de ménage ;
 Les provisions pour les navires ;
 Les bagages personnels ;
 La papeterie ;
 Les articles de tapisserie ;
 La coutellerie ;
 Les articles de droguerie et les médicaments étrangers ;
 La verrerie ;

Seront vérifiés par la douane Chinoise à l'entrée et à la sortie ; s'ils sont réellement de provenance étrangère et destinés à l'usage personnel des étrangers, et s'ils arrivent en quantité modérée, un certificat d'exemption des droits sera délivré, qui en permettra le libre passage à la frontière.

Si ces articles sont soustraits à la déclaration, à la formalité du certificat d'exemption, leur introduction clandestine les rendra passibles d'amendes, au même titre que les marchandises passées en contrebande.

A l'exception de l'or, de l'argent, de la monnaie et des bagages qui resteront exempts de droits, les articles ci-dessus mentionnés, destinés à l'usage personnel des étrangers et importés en quantité modérée, payeront, lorsqu'ils seront transportés à l'intérieur de la Chine, un droit de transit de $2\frac{1}{2}$ pour cent *ad valorem*.

Les douanes Franco-Annamites de la frontière ne percevront, à l'entrée comme à la sortie du Tonkin, aucun droit sur les objets suivants d'usage personnel que les Chinois transporteront avec eux : monnaie, bagages, vêtements, ornements de coiffures de femmes, papiers, pinceaux, encre de Chine, livres, mobilier et aliments ; soit sur les produits que les Consuls de Chine au Tonkin feraient venir pour leur consommation personnelle.

XIV. Les Hautes Parties Contractantes conviennent d'interdire le commerce et le transport de l'opium de toute provenance par la frontière de terre entre le Tonkin, d'une part, et le Yunnan, le Kouang-si et le Kouang-tong, d'autre part.

XV. L'exportation du riz et des céréales sera interdite en Chine. L'importation de ces articles s'y fera en franchise de droits. Il sera interdit d'importer en Chine—

Le poudre à canon ;
 Les projectiles ;

Les fusils et canons ;
Le salpêtre ;
Le soufre ;
Le plomb ;
Le spelter ;
Les armes ;
Le sel ;
Les publications immorales.

En cas de contravention, ces articles seront intégralement confisqués. Si les autorités Chinoises faisaient acheter des armes ou des munitions, ou si des négociants recevaient l'autorisation expresse d'en acheter, l'importation en serait permise sous la surveillance spéciale de la douane Chinoise. Les autorités Chinoises pourront, en outre, après entente avec les Consuls de France, obtenir, pour les armes et munitions qu'elles voudraient faire transporter en Chine à travers le Tonkin, l'exemption de tout droit à la douane Franco-Annamite.

L'introduction au Tonkin d'armes, de munitions de guerre, de publications immorales est également interdite.

XVI. Les Chinois résidant en Annam seront, sous le rapport de la juridiction en matière criminelle, fiscale ou autre, placés dans les mêmes conditions que les sujets de la nation la plus favorisée. Les procès qui s'élèveront en Chine, dans les marchés ouverts de la frontière, entre les sujets Chinois et les Français ou Annamites seront réglés, en Cour Mixte, par des fonctionnaires Chinois et Français. Pour les crimes ou délits que les Français ou protégés Français commettraient en Chine dans les localités ouvertes au commerce, il sera procédé conformément aux stipulations des Articles XXXVIII et XXXIX du Traité du 27 Juin, 1858.

XVII.* Si dans les localités ouvertes au commerce à la frontière de Chine des Chinois déserteurs ou prévenus de crimes qualifiés tels par la loi Chinoise se réfugient dans les maisons ou à bord de barques appartenant à des Français ou à des protégés Français, l'autorité locale s'adressera au Consul, qui, sur la preuve de la culpabilité des prévenus, prendra immédiatement les mesures nécessaires pour qu'ils soient remis et livrés à l'action régulière des lois.

Les Chinois coupables ou inculpés des crimes ou délits qui chercheraient un refuge en Annam seront, à la requête des autorités Chinoises et sur la preuve de leur culpabilité, recherchés, arrêtés et extradés dans tous les cas où pourraient être extradés de France les sujets du pays jouissant du traitement le plus large en matière d'extradition. Les Français et protégés Français coupables ou inculpés de crimes ou de délits, qui chercheraient un refuge en

* See also Convention respecting the delimitation of frontiers of June 26, 1887, page 748.

Chine, seront, à la requête des autorités Françaises et sur la preuve de leur culpabilité, arrêtés et remis aux dites autorités pour être livrés à l'action régulière des lois; de part et d'autre, on évitera avec soin tout recel et toute connivence.

XVIII. Pour toute difficulté non prévue par les dispositions précédentes, on recourra aux règlements de la douane maritime qui, conformément aux Traités existants, sont actuellement appliqués dans les villes et dans les ports ouverts.

Dans le cas où ces règlements seraient insuffisants, les agents des deux pays en référerait à leurs Gouvernements respectifs.

Les présentes stipulations pourront être, aux termes de l'Article VIII du Traité du 9 Juin, 1885, revisées dix ans après l'échange des ratifications.

XIX. La présente Convention de Commerce, après avoir été ratifiée par les deux Gouvernements, sera promulguée en France, en Chine et en Annam.

L'échange des ratifications aura lieu à Pékin dans le délai d'un an à compter du jour de la signature de la Convention, ou plus tôt si faire se peut.

Fait à Tien-tsin, en quatre exemplaires, le 25 Avril, 1886 (correspondant au 22^e jour de la lune de la 12^e année Kouang-Siu).

(L.S.) G. COGORDAN.

(L.S.) ED. BRUWAERT

(L.S.) LI.

CONVENTION ADDITIONNELLE modifiant la Convention Commerciale entre la France et la Chine du 25 Avril, 1886 (Ouverture au Commerce de Long-tcheou, Mong-tse, et Manhao).— Signée à Pékin, le 26 Juin, 1887.*

LE Président de la République Française et Sa Majesté l'Empereur de Chine, désireux de favoriser le développement des relations commerciales entre les deux pays et d'assurer la bonne exécution du Traité de Commerce signé à Tien-tsin le 25 Avril, 1886, ont décidé de conclure une Convention Additionnelle modifiant quelques-unes des dispositions contenues dans le dit Acte.

A cet effet les deux Hautes Parties Contractantes ont nommé pour leurs Plénipotentiaires respectifs, savoir :

Le Président de la République Française, M. Ernest Constans, Député, Ancien Ministre de l'Intérieur et des Cultes, Commissaire du Gouvernement, Envoyé Extraordinaire de la République Française en Chine ; et

Sa Majesté l'Empereur de Chine, Son Altesse le Prince K'ing, Prince du Second Rang, Président du Tsung-li Yamên, assisté

de son Excellence Souen-Yu-Ouen, Membre du Tsung-li Yamên, Premier Vice-Président du Ministère des Travaux Publics ;

Lesquels, après s'être communiqué leurs pleins pouvoirs, qu'ils ont reconnus en bonne et due forme, sont convenus des Articles suivants :—

ART. I. Le Traité signé à Tien-tsin le 25 Avril, 1886, sera, immédiatement après l'échange des ratifications, fidèlement mis à exécution dans toutes ses clauses, sauf, bien entendu, celles que la présente Convention a pour but de modifier.

II. En exécution de l'Article I du Traité du 25 Avril, 1886, il est convenu entre les Hautes Parties Contractantes que la ville de Long-tcheou au Kouang-si, et celle de Mong-tse au Yunnan, sont ouvertes au commerce Franco-Annamite : il est entendu, en outre que Manhao, qui se trouve sur la route fluviale de Laokai à Mong-tse, est ouvert au commerce comme Long-tcheou et Mong-tse, et que le Gouvernement Français aura le droit d'y entretenir un agent relevant du Consul de cette dernière ville.*

III. En vue de développer le plus rapidement possible le commerce entre la Chine et le Tonkin, les droits d'importation et d'exportation stipulés dans les Articles VI et VII du Traité du 25 Avril, 1886, sont provisoirement modifiés ainsi qu'il suit :—

Les marchandises étrangères importées en Chine par les villes ouvertes auront à acquitter le droit du Tarif Général de la Douane Maritime, diminué des trois dixièmes.

Les marchandises Chinoises exportées au Tonkin payeront le droit d'exportation du dit Tarif Général diminué des quatre-dixièmes.

IV. Les produits d'origine Chinoise qui auront acquitté les droits d'importation, conformément au paragraphe 1^{er} de l'Article XI du Traité du 25 Avril, 1886, et seront transportés à travers le Tonkin vers un port Annamite, pourront être soumis, à la sortie de ce port, s'ils sont à destination d'un autre pays que la Chine, au droit d'exportation fixé par le Tarif des Douanes Franco-Annamites.

V. Le Gouvernement Chinois autorise l'exportation de l'opium indigène au Tonkin par la frontière de terre moyennant un droit d'exportation de 20 taëls par picul ou 100 livres Chinoises. Les Français ou protégés Français ne pourront acheter l'opium qu'à Long-tcheou, Mong-tse, et Manhao. Les droits de *li-kin* et de barrières que les commerçants indigènes auront à payer sur ce produit ne dépasseront pas 20 taëls par picul.

Les commerçants Chinois qui auront apporté l'opium de l'intérieur remettront à l'acheteur, en même temps que la marchandise, les reçus constatant que le *li-kin* a été intégralement acquitté, et l'acheteur présentera ces reçus à la douane, qui les annulera au moment où il effectuera le paiement du droit d'exportation.

* See Exchange of Notes, June 23, 1887, page 747.

Il est entendu que cet opium, dans le cas où il rentrerait en Chine, soit par la frontière de terre, soit par un des ports ouverts, ne pourra être assimilé aux produits d'origine Chinoise réimportés.

VI. Les bateaux Français et Annamites, à l'exception des bâtiments de guerre et des navires employés au transport de troupes, d'armes ou de munitions de guerre, pourront circuler de Lang-son à Cao-bang et réciproquement, en passant par les rivières (Song-Ki-Kong et Rivière de Cao-bang) qui relie Lang-son à Long-tcheou et Long-tcheou à Cao-bang.

Il sera prélevé sur ces bateaux, pour chaque parcours, un droit de tonnage de 5 pour cent de taël par tonneau, mais les marchandises composant le chargement n'auront à acquitter aucun droit.

Les marchandises à destination de Chine pourront être transportées par les rivières dont il est question dans le paragraphe 1^{er} du présent Article, aussi bien que par les routes de terre, et notamment par la route mandarinale qui conduit de Lang-son à Long-tcheou ; mais jusqu'au jour où le Gouvernement Chinois aura établi un poste de douane à la frontière, les marchandises qui passeront par ces routes de terre ne pourront être vendues qu'après avoir acquitté les droits à Long-tcheou.

VII. Il est entendu que la France jouira de plein droit, et sans qu'il soit besoin de négociations préalables, de tous les privilèges et immunités, de quelque nature qu'ils soient, et de tous les avantages commerciaux, qui pourraient être accordés dans la suite à la nation la plus favorisée par des Traités ou Conventions ayant pour objet le règlement des rapports politiques ou commerciaux entre la Chine et les pays situés au sud et au sud-ouest de l'Empire Chinois.

VIII. Ayant arrêté d'un commun accord les dispositions ci-dessus, les Plénipotentiaires ont apposé leur signature et leur sceau sur deux exemplaires du texte Français de la présente Convention, ainsi que sur la traduction Chinoise qui accompagne chacun de ces exemplaires.

IX. Les stipulations de la présente Convention Additionnelle seront mises en vigueur comme si elles étaient insérées dans le texte même du Traité du 25 Avril, 1886, à partir du jour de l'échange des ratifications des dits Traité et Convention.

X. La présente Convention sera ratifiée dès à présent par Sa Majesté l'Empereur de Chine, et, dès qu'elle aura été ratifiée par le Président de la République Française, l'échange des ratifications aura lieu à Pékin.

Fait à Pékin, le 26 Juin, 1887.

(L.S.) CONSTANS.

(L.S.) PRINCE K'ING.

ANNEXE.

Lettre officielle de Son Altesse le Prince K'ing et des Ministres du Tsung-li Yamén à M. Constans, Envoyé Extraordinaire de la République Française en Chine.—Pékin, le 23 Juin, 1887.

A LA suite de plusieurs conférences nous avons arrêté, d'accord avec vous, les termes d'une Convention Additionnelle en dix Articles et d'un procès-verbal de clôture des travaux de la Commission de Délimitation, ayant pour but de compléter ou de modifier certaines stipulations du Traité de Paix du 9 Juin, 1885, et du Traité du 25 Avril, 1886, qui règle les rapports commerciaux entre la Chine et l'Annam.

A la veille de prendre jour pour signer ces deux actes, nous devons nous entendre sur trois points laissés indéterminés, et nous proposons de les régler de la manière suivante :—

1. Aux termes du Traité précédent,* le Gouvernement Chinois peut installer des Consuls dans les principales villes du Tonkin. Nous sommes déjà convenus que le Gouvernement Chinois consent à ajourner la nomination de ces Consuls jusqu'au jour où les deux Gouvernements estimeront que les circonstances permettent de les établir.

2. Il est entendu que, lorsque le Gouvernement Chinois établira des Consuls à Hanoï et à Haïphong,* le Gouvernement Français pourra en nommer dans les capitales des Provinces du Yun-nan et du Kouang-si.

3. Les Consuls Français dont le Gouvernement Chinois a consenti la nomination à Long-tcheou et à Mong-tse, ainsi que l'agent relevant du Consul de Mong-tse, qui sera établi à Manhao,† n'auront pas le droit d'établir dans ces villes, ouvertes seulement au commerce de terre, des concessions comme celles qui existent dans le port de Chang-hai et dans quelques autres ports ouverts.

Il est entendu que ces trois Articles auront la même valeur que s'ils étaient insérés dans le texte même de la Convention Additionnelle.

Tel est l'objet de la présente communication, à laquelle nous vous prions de vouloir bien répondre.

Pékin, le 3^e jour de la 5^e lune de la 13^e année de Kouang-Siu (23 Juin, 1887).

Réponse de M. Constans, Envoyé Extraordinaire de la République Française en Chine, à Son Altesse le Prince K'ing et leurs Excellences les Ministres du Tsung-li Yamén.—Pékin, le 23 Juin, 1887.

J'AI l'honneur de vous accuser réception de votre lettre en date du 23 Juin, 1887, par laquelle vous me proposez le réglemeut suivant des trois points qui n'ont pu être fixés dans la Convention Additionnelle :—

"1. Nous sommes déjà convenus que le Gouvernement Chinois consent à ajourner la nomination des Consuls qu'il peut installer, aux termes du Traité précédent, dans les grandes villes du Tonkin, jusqu'au jour où les deux Gouvernements estimeront que les circonstances permettent de les établir.

"2. Il est entendu que, lorsque le Gouvernement Chinois établira des Consuls à Hanoï et à Haïphong, le Gouvernement Français pourra en nommer dans les capitales des Provinces du Yun-nan et du Kouang-si.

"3. Les Consuls Français dont le Gouvernement Chinois a consenti la

* Article II of Convention of April 25, 1886, page 735.

† Article II of Additional Convention of June 26, 1887, page 744.

nomination à Long-tcheou et à Mong-tse, ainsi que l'agent relevant du Consul de Mong-tse qui sera établi à Manhao, n'auront pas le droit d'établir dans ces villes, ouvertes seulement au commerce de terre, des concessions comme celles qui existent dans le port de Chang-haï et dans quelques autres ports ouverts."

Votre Altesse et vos Excellences ajoutent que "ces trois Articles auront la même valeur que s'ils étaient insérés dans le texte même de la Convention Additionnelle."

La dépêche de votre Altesse et de vos Excellences confirme très exactement les Conventions intervenues au cours de nos conférences. J'ai, en conséquence, l'honneur de leur donner acte de notre accord sur tous ces points.

Pékin, le 23 Juin, 1887.

CONVENTION entre la France et la Chine, relative à la Delimitation de la Frontière entre la Chine et le Tonkin.—Signée à Pékin, le 26 Juin, 1887.

LES Commissaires nommés par le Président de la République Française et par Sa Majesté l'Empereur de Chine, en exécution de l'Article III du Traité du 9 Juin, 1885,* pour reconnaître la frontière entre la Chine et le Tonkin, ayant terminé leurs travaux, M. Ernest Constans, Député, Ancien Ministre de l'Intérieur et des Cultes, Commissaire du Gouvernement, Envoyé Extraordinaire de la République Française, d'une part, et Son Altesse le Prince K'ing, Prince du Second Rang, Président du Tsung-li Yamên, assisté de son Excellence Souen-Yu Ouen, Membre du Tsung-li Yamên, Premier Vice-Président du Ministère des Travaux Publics, agissant au nom de leurs Gouvernements respectifs ; ont décidé de consigner dans le présent Acte les dispositions suivantes destinées à régler définitivement la délimitation de la dite frontière :—

1. Les procès-verbaux et les cartes y annexées qui ont été dressés et signés par les Commissaires Français et Chinois sont et demeurent approuvés ;

2. Les points sur lesquels l'accord n'avait pu se faire entre les deux Commissions, et les rectifications visées par le paragraphe 2 de l'Article III du Traité du 9 Juin, 1885, sont réglés ainsi qu'il suit :—

Au Kouang-tong, il est entendu que les points contestés qui sont situés à l'est et au nord-est de Monkaï, au delà de la frontière telle qu'elle a été fixée par la Commission de Délimitation, sont attribués à la Chine. Les îles qui sont à l'est du méridien de Paris 105° 43' de longitude est, c'est-à-dire, de la ligne nord-sud passant par la pointe orientale de l'Ile de Tch'a-Kou ou Ouan-chan (Tra-co) et formant la frontière, sont également attribuées à la Chine. Les Iles Go-tho et les autres îles qui sont à l'ouest de ce méridien appartiennent à l'Annam.

Les Chinois coupables ou inculpés de crimes ou délits, qui

* Vol. LXXVI, page 239.

chercheraient un refuge dans ces îles, seront, conformément aux stipulations de l'Article XVII du Traité du 25 Avril, 1886,* recherchés, arrêtés et extradés par les autorités Françaises.

Sur la frontière du Yunnan il est entendu que la ligne de démarcation suivra le tracé suivant :—

De Keou-teou-tchai (Cao-dao-trai) sur la rive gauche du Siao-tou-tcheou-ho (Tien-do-chuba), point M de la carte de la 2^e section, elle se dirige pendant 50 *li* (20 kilom.) directement de l'ouest vers l'est en laissant à la Chine les endroits de Tsui-kiang-cho ou Tsui-y-cho (Tu-nghia-xa), Tsui-mei-cho (Tu-mi-xa), Kiang-fei-cho ou Y-fei-cho (Nghia-fi-xa), qui sont au nord de cette ligne, et à l'Annam, celui de Yeou-p'ong-cho (Hu-bang-xa) qui en est au sud, jusqu'aux points marqués P et Q sur la carte annexe où elle coupe les deux branches du second affluent de droite du Heï-ho (Hac-ha) ou Tou-tcheou-ho (Do-chu-ha). A partir du point Q, elle s'infléchit vers le sud-est d'environ 15 *li* (6 kilom.) jusqu'au point R, laissant à la Chine le territoire de Nan-tan (Nan-don) au nord de ce point R; puis à partir de ce dit point, remonte vers le nord-est jusqu'au point S, en suivant la direction tracée sur la carte par la ligne R-S, le cours du Nan-teng-ho (Nam-dang-ha) et les territoires de Man-mei (Man-mi), de Meng-tong-chants'oun (Muong-dong-truong-thon), de Meng-toung-chan (Muong-dong-son), de Meng-toung-tchoung-ts'oun (Muong-dong-truong-thon), et de Meng-toung-chia-ts'oun (Muong-dong-ha-thon) restant à l'Annam.

A partir du point S (Meng-toung-chia-ts'oun ou Muong-dong-ha-thon), le milieu du Ts'ing-chouei-ho (Than-thuy-ha) indique jusqu'à son confluent, en T, avec la Rivière Claire, la frontière adoptée.

Du point T, son tracé est marqué par le milieu de la Rivière Claire jusqu'au point X, à hauteur de Tch'ouan-teou (Thuyen-dan).

Du point X, elle remonte vers le nord jusqu'au point Y, en passant par Paiche-yai (Bach-thach-giai) et Lao-ai-k'an (Lao-hai-kan), la moitié de chacun de ces deux endroits appartenant à la Chine et à l'Annam; ce qui est à l'est appartient à l'Annam, ce qui est à l'ouest à la Chine.

A partir du point Y, elle longe, dans la direction du nord, la rive droit du petit affluent de gauche de la Rivière Claire qui le reçoit entre Pien-pao-kia (Bien-bao-kha) et Pei-pao (Bacbao) et gagne ensuite Kao-ma-pai (Cao-ma-bach), point Z, où elle se raccorde avec le tracé de la troisième section.

A partir de Long-po-tch'ai (cinquième section), la frontière commune du Yunnan et de l'Annam remonte le cours du Long-po-ho jusqu'à son confluent avec le Ts'ing-chouei-ho, marqué A sur la carte; du point A, elle suit la direction générale du nord-est

au sud-ouest jusqu'au point indiqué B sur la carte, endroit où le Saï-kiang-ho reçoit le Mien-chouei-ouan; dans ce parcours, la frontière laisse à la Chine le cours du Ts'ing-chouei-ho.

Du point B, la frontière a la direction est-ouest jusqu'au point C, où elle rencontre le Teng-tiao-tchiang au-dessous de Ta-chou-tchio. Ce qui est au sud de cette ligne appartient à l'Annam, ce qui est au nord à la Chine.

Du point C, elle redescend vers le sud en suivant le milieu de la Rivière Teng-tiao-tchiang jusqu'à son confluent, au point D, avec le Tsin-tse-ho.

Elle suit ensuite le Tsin-tse-ho pendant environ 30 *li* et continue dans la direction est-ouest jusqu'au point E, où elle rencontre le petit ruisseau qui se jette dans la Rivière Noire (Hei-tchiang ou Hac-giang) à l'est du bac de Meng-pang. Le milieu de ce ruisseau sert de frontière du point E au point F.

A partir du point F, le milieu de la Rivière Noire sert de frontière à l'ouest.

Les autorités locales Chinoises et les agents désignés par le Résident Général de la République Française en Annam et au Tonkin seront chargés de procéder à l'abornement, conformément aux cartes dressées et signées par la Commission de Délimitation et au tracé ci-dessus.

Au présent Acte sont annexées trois cartes en deux exemplaires, signées et scellées par les deux Parties. Sur ces cartes, la nouvelle frontière est tracée par un trait rouge et indiquée sur les cartes du Yunnan par les lettres de l'alphabet Français et les caractères cycliques Chinois.

Fait à Pékin, en double expédition, le 26 Juin, 1887.

(Signature et cachet du Plénipotentiaire Chinois.)

(L.S.) CONSTANS.

DÉCLARATION ADDITIONNELLE à la Convention Internationale du 14 Octobre, 1890, sur le Transport de Marchandises par Chemins de Fer.—Berne, le 20 Septembre, 1893.

[Ratifications échangées à Berne, le 21 Septembre, 1896.]

LES Gouvernements de la Suisse, de l'Allemagne, de l'Autriche et de la Hongrie, de la Belgique, de la France, de l'Italie, du Luxembourg, des Pays-Bas, et de la Russie, ayant jugé opportun de déterminer, avec précision, la procédure d'accession à la Convention

signée à Berne, le 14 Octobre, 1890,* les Soussignés, dûment autorisés à cet effet par leurs Gouvernements, sont convenus de ce qui suit :—

Les États qui n'ont pas pris part à la Convention du 14 Octobre, 1890, sur le transport de marchandises par chemins de fer, peuvent demander à y adhérer.

Ils s'adresseront, à cet effet, au Gouvernement Suisse.

Le dit Gouvernement transmettra cette demande à l'office central pour examen, et il communiquera ensuite ses propositions aux États signataires.

Si l'accord s'établit, le Gouvernement Suisse donnera acte à l'État intéressé de l'acceptation de l'accession, qu'il notifiera également aux Gouvernements signataires.

L'adhésion produira ses effets un mois après la date de la notification faite par le Gouvernement Suisse. Elle emporte de plein droit acceptation de toutes les clauses de la Convention.

La présente Déclaration sera ratifiée, et l'échange des ratifications aura lieu à Berne, aussitôt que faire se pourra, dans la forme adoptée pour la Convention elle-même.

Elle entrera en vigueur à dater du jour de l'échange des ratifications et aura la même durée que la Convention.

En foi de quoi les Soussignés ont dressé le présent Acte, qu'ils ont revêtu de leurs cachets.

Fait à Berne, en neuf exemplaires, le 20 Septembre, 1893.

Pour la Suisse—

(L.S.) LACHENAL.

Pour l'Autriche et la Hongrie—

(L.S.) SEILLER.

Pour l'Allemagne—

(L.S.) BUSCH.

Pour la Belgique—

(L.S.) J. JOORIS.

Pour la France—

(L.S.) EMM. ARAGO.

Pour l'Italie—

(L.S.) A. PEIROLERI.

Pour le Luxembourg—

(L.S.) J. FRANCK.

Pour les Pays-Bas—

(L.S.) JAN SCHOLTEN.

Pour la Russie—

(L.S.) A. HAMBURGER.

CONVENTION between Austria-Hungary and Roumania, for the Mutual Protection of Trade-Marks, &c.—Signed at Bucharest, January $\frac{16}{28}$, 1893.

[Ratifications exchanged at Bucharest, June 29, 1893.]

SA Majesté l'Empereur d'Autriche, Roi de Bohême, &c., et Roi Apostolique de Hongrie, et Sa Majesté le Roi de Roumanie, également animés du désir d'assurer une protection efficace à la propriété des marques de fabrique ou de commerce des nationaux respectifs, ont résolu de conclure à cet effet une Convention spéciale et ont nommé pour leurs Plénipotentiaires, savoir :

Sa Majesté l'Empereur d'Autriche, Roi de Bohême, &c. et Roi Apostolique de Hongrie, le Comte Agénor Goluchowski, son Chambellan, Chevalier de l'Ordre de la Couronne de Fer de première classe, Commandeur de l'Ordre de François Joseph avec plaque, et son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté le Roi de Roumanie ;

Sa Majesté le Roi de Roumanie, le Sieur Alexandre N. Lahovari, Grand-Croix de l'Ordre Royal de la Couronne de Roumanie, Grand Officier de l'Ordre de l'Étoile de Roumanie, &c., son Ministre Secrétaire d'État au Département des Affaires Étrangères ;

Lesquels, après s'être communiqué leurs pleins pouvoirs trouvés en bonne et due forme, sont convenus des Articles suivants :—

ART. I. Les sujets Roumains en Autriche-Hongrie et les sujets Autrichiens et Hongrois en Roumanie jouiront de la même protection que les nationaux pour tout ce qui concerne la propriété des marques de fabrique ou de commerce, et des autres désignations de marchandises assimilées aux marques de fabrique ou de commerce par les lois du pays où elles doivent être enregistrées.

II. Le droit exclusif pour les sujets de l'une des Parties Contractantes d'exploiter une marque de fabrique ou de commerce dans les territoires de l'autre ne peut être acquis que par ceux qui l'ont déjà légitimement acquis dans leur propre pays, et ne peut avoir une plus grande étendue ou une plus longue durée que dans le pays d'origine.

III. Les ressortissants de l'une des Hautes Parties Contractantes qui voudront s'assurer dans les territoires de l'autre la propriété d'une marque devront remplir les formalités prescrites à cet égard par la législation de ce pays.

En Autriche-Hongrie le dépôt des marques devra s'effectuer exclusivement aux Chambres de Commerce et d'Industrie à Vienne

pour l'Autriche et à Budapest pour la Hongrie, en Roumanie au Greffe du Tribunal de Commerce à Bucarest.

Toutefois le dépôt pourra être refusé par l'autorité compétente si la marque est reconnue contraire à l'ordre public, aux bonnes mœurs ou aux lois du pays.

IV. La présente Convention sera ratifiée, et les ratifications en seront échangées à Bucarest aussitôt que faire se pourra ; elle entrera en vigueur un mois après l'échange des ratifications et restera obligatoire jusqu'à l'expiration d'une année à partir du jour où l'une ou l'autre des Hautes Parties Contractantes l'aura dénoncée.

En foi de quoi les Plénipotentiaires respectifs l'ont signée et y ont apposé le sceau de leurs armes.

Fait à Bucarest en double expédition, le $\frac{1}{2}^{\frac{6}{8}}$ Janvier, 1893.

(L.S.) AGÉNOR COMTE GOLUCHOWSKI.

(L.S.) AL. LAHOVARI.

CONVENTION entre l'Espagne et le Guatemala, concernant la Propriété Intellectuelle.—Signée à Guatemala, le 25 Mai, 1893.

[Ratifications échangées le 26 Juin, 1894.]

(Traduction.)

Sa Majesté la Reine Régente d'Espagne, au nom de son auguste fils, Sa Majesté le Roi Don Alphonse XIII, d'une part, et le Général de Division Don José Maria Reina Barrios, Président de la République de Guatemala, d'autre part, animés du désir d'établir, dans les deux États, des règles pour l'exercice du droit de propriété sur les œuvres scientifiques, littéraires et artistiques, droit déjà reconnu par les deux législations intérieures, ont résolu de conclure à cet effet une Convention spéciale, et ont nommé pour leurs Plénipotentiaires, savoir :

Sa Majesté la Reine Régente d'Espagne, M. Julio de Arellano, Ministre Résident d'Espagne dans l'Amérique Centrale ; et

M. le Président de la République de Guatemala, M. Ramon A. Salazar, Ministre des Affaires Étrangères de la République ;

Lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivants :—

ART. I. Les citoyens de la République de Guatemala en Espagne et les sujets d'Espagne dans la République de Guatemala, auteurs de livres ou autres écrits, d'œuvres dramatiques, de compositions musi-

cales ou d'arrangements de musique, d'œuvres de dessin, de peinture, de sculpture, de gravure, de lithographie, de cartes géographiques et, en général, d'une production quelconque du domaine scientifique, littéraire, et artistique, jouiront réciproquement, dans chacun des deux États, des avantages qui sont stipulés dans la présente Convention et de ceux qui pourront être stipulés avec la nation la plus favorisée, ainsi que de tous ceux qui sont ou seront accordés par la loi, dans l'un ou l'autre État, en faveur de la propriété des œuvres de littérature, de science ou d'art.

Afin de bénéficier de ces avantages, d'obtenir des dommages-intérêts et de pouvoir poursuivre les contrefacteurs, ils jouiront de la protection et des recours légaux qui auront été ou qui seront assurés aux auteurs nationaux ou à ceux de la nation la plus favorisée dans chacun des deux pays, soit en vertu des lois spéciales concernant la propriété littéraire et artistique, soit en vertu de la législation générale en matière civile ou pénale.

II. En vue d'assurer à toutes les œuvres de littérature, de science ou d'art la protection stipulée dans l'Article I, les auteurs ou éditeurs devront remettre au Ministère de l'Instruction Publique, à titre de mesure préalable, trois exemplaires de l'œuvre dont ils voudront garantir à l'avenir la propriété contre toute contrefaçon ou reproduction illicite dans les pays respectifs; le Ministère de l'Instruction Publique expédiera un certificat constatant qu'il a reçu les dits exemplaires, et ce certificat autorisera l'intéressé à se présenter devant l'autorité publique compétente pour faire valoir ses droits.

III. Les stipulations de l'Article I s'appliquent également à la représentation ou à l'exécution, dans l'un des deux États, des œuvres dramatiques ou musicales des auteurs ou compositeurs de l'autre État.

IV. Sont expressément assimilées à des œuvres originales les traductions d'œuvres nationales ou étrangères faites par un écrivain appartenant à l'un des deux États. Ces traductions jouiront dès lors de la protection stipulée par la présente Convention en faveur des œuvres originales quant à leur reproduction non autorisée dans l'autre État. Toutefois, il est bien entendu que le présent Article a uniquement pour but de protéger le traducteur par rapport à la version qu'il a donnée de l'œuvre originale, et non pas de conférer un droit exclusif de traduction au premier traducteur d'une œuvre quelconque écrite en langue morte ou vivante.

V. Les nationaux de l'un des deux pays, auteurs d'œuvres originales, auront le droit de s'opposer à la publication, dans l'autre pays, de toute traduction, non autorisée par eux, de ces œuvres, et ce pendant toute la période accordée pour la jouissance du droit de propriété littéraire sur l'œuvre originale; en conséquence, la publi-

cation d'une traduction non autorisée équivaut, à tous égards, à la réimpression illicite de l'œuvre.

Les auteurs d'œuvres dramatiques jouiront réciproquement des mêmes droits en ce qui concerne la traduction ou la représentation des traductions de leurs œuvres.

VI. Sont également interdites les appropriations indirectes non autorisées, telles que : adaptations, imitations dites de bonne foi, emprunts, transcriptions d'œuvres musicales, et, en général, toute utilisation d'une œuvre, faite sans le consentement de l'autre par la voie de l'imprimerie ou de la scène.

VII. Toutefois, il sera réciproquement licite de publier, dans chacun des deux pays, en langue originale ou en traduction, des extraits ou des morceaux entiers, accompagnés de notes explicatives, des œuvres d'un auteur de l'autre pays, pourvu que la source soit indiquée et que ses publications soient appropriées à l'enseignement ou à l'étude.

VIII. Les écrits parus dans les publications périodiques pourront être, avec indication de la source, reproduits dans toute autre publication du même genre, à moins que les droits existant sur ces écrits n'aient été réservés expressément.

IX. Les mandataires légaux ou ayants cause des auteurs, compositeurs et artistes jouiront réciproquement et à tous égards des mêmes droits accordés par la présente Convention aux auteurs, traducteurs, compositeurs et artistes.

X. Les droits de propriété littéraire et artistique reconnus par la présente Convention sont garantis aux auteurs, traducteurs, compositeurs et artistes, pendant la période fixée par les lois spéciales de chacun des deux États, mais en tout cas au moins à vie.

XI. Aussitôt que les formalités nécessaires pour assurer, dans les deux États, le droit de propriété sur une œuvre littéraire, scientifique ou artistique déterminée auront été remplies, l'introduction, la mise en vente ou l'exposition de cette œuvre dans le pays respectif sans l'autorisation de l'auteur, de l'éditeur ou du propriétaire sera interdite.

XII. Toute édition ou reproduction d'une œuvre scientifique, littéraire ou artistique, faite contrairement aux dispositions de la présente Convention, sera réputée contrefaçon.

Quiconque aura édité, vendu, mis en vente ou introduit dans le territoire de l'un des deux pays une œuvre ou un objet quelconques contrefaits sera puni conformément aux dispositions légales en vigueur dans l'un ou l'autre des deux pays pour les cas respectifs.

XIII. La présente Convention entrera en vigueur à partir du jour de l'échange des ratifications, et continuera ses effets encore douze mois après avoir été dénoncée par une des Hautes Parties Contractantes.

XIV. Les dispositions de la présente Convention ne pourront en aucune manière porter atteinte au droit appartenant à chacune des Hautes Parties Contractantes de permettre, de surveiller ou d'interdire, par des mesures de législation ou de police intérieures, la circulation, la représentation ou l'exposition de toute œuvre ou production à l'égard de laquelle l'autorité compétente entend faire exercer ce droit.

XV. Les Hautes Parties Contractantes s'engagent à se communiquer réciproquement toutes les Lois, tous les Décrets et Règlements promulgués ou pouvant être promulgués à l'avenir par rapport à la protection et à l'exercice du droit de propriété intellectuelle.

De même, elles s'engagent à échanger réciproquement, tous les six mois, la liste des œuvres en faveur desquelles les auteurs, éditeurs, ou traducteurs auront assuré leurs droits conformément à la législation en vigueur dans le pays respectif.

La présente Convention ne s'opposera en aucune manière au droit de l'une ou de l'autre des Hautes Parties Contractantes de prohiber l'importation, dans ses propres États, des livres qui, d'après ses lois intérieures ou des stipulations convenues avec d'autres Puissances, auront été ou seront déclarés comme étant des contrefaçons.

Ainsi fait en double exemplaire, dans la ville de Guatémala, le 25 Mai, 1893.

(L.S.) JULIO DE ARELLANO.

(L.S.) RAMON A. SALAZAR.

CONVENTION entre la Belgique et l'État Indépendant du Congo, concernant l'Établissement d'un Service de Mandats-Poste.—Signée à Bruxelles, le 13 Mai, 1893.

LE Gouvernement Belge et le Gouvernement de l'État Indépendant du Congo ayant résolu de conclure une Convention concernant l'établissement d'un service de mandats-poste entre les deux pays, les Soussignés, dûment autorisés, sont convenus des dispositions suivantes :—

Art. I. Il y a entre la Belgique et l'État Indépendant du Congo un échange d'envois de fonds au moyen de mandats-poste.

De commun accord entre elles, les Administrations des Postes des deux pays peuvent, au lieu de mandats, se transmettre des listes annonçant les sommes encaissées par chacune d'elles pour être payée à l'intervention de l'autre.

II. En principe, le montant des mandats est versé par les déposants et payé aux bénéficiaires en numéraire ; mais chaque Administration a la faculté de recevoir et d'employer elle-même, à cet effet, tout papier-monnaie ayant cours légal dans son pays, sous réserve de tenir compte, le cas échéant, de la différence du cours.

Aucun mandat ne peut excéder la somme de 500 fr. effectifs.

Est réservé aux Administrations de chacun des deux pays le droit de déclarer transmissible par voie d'endossement, sur son territoire, la propriété des mandats de poste provenant de l'autre pays.

III. La taxe à payer en Belgique est fixée à 25 centimes par 25 fr. ; celle à payer au Congo sera déterminée par l'Administration de l'État Indépendant, mais ne pourra dépasser 2 pour cent des sommes rondes qui forment les degrés de l'échelle de perception. Le produit de cette taxe reste acquis à l'Administration qui émet le mandat, à charge à elle de tenir compte à l'autre Administration d'une taxe de $\frac{1}{2}$ pour cent calculée sur le montant total des mandats payés.

IV. Des envois de fonds peuvent être échangés, au moyen de mandats-poste, entre l'Administration des Postes de chacune des Parties Contractantes et les pays pour lesquels l'Administration de l'autre Partie Contractante peut servir d'intermédiaire pour les envois de l'espèce.

Ces mandats sont soumis aux mêmes conditions de taxe que ceux qui sont échangés directement entre la Belgique et le Congo, mais l'Administration intermédiaire déduit de leur montant une commission égale à la taxe dont elle est redevable pour ses propres mandats à l'office à l'intervention duquel le payement est effectué.

Lorsque le montant de cette commission présente une fraction de centime, cette fraction est forcée jusqu'au centime plein.

Si ces mandats doivent être rendus payables en une monnaie autre que la monnaie de franc, le montant en est converti en monnaie métallique du pays de destination de la manière et d'après les taux applicables aux envois de fonds de l'office intermédiaire pour ce pays.

V. Les Administrations des Postes des deux pays se donnent réciproquement connaissance des taxes qu'elles perçoivent sur les mandats-poste.

Ces Administrations se font réciproquement connaître les pays avec lesquels des mandats peuvent être échangés par leur intermédiaire respectif, ainsi que les taxes et les conditions spéciales applicables à ces échanges.

VI. Les mandats-poste et les acquits données sur ces mandats, de même que les récépissés à délivrer aux déposants, ne peuvent être

soumis, à la charge des expéditeurs ou des destinataires des fonds, à un droit ou à une taxe quelconque en sus de ceux qui sont prévus par les Articles III et IV précédents, sauf toutefois le droit de factage pour paiement à domicile, s'il y a lieu.

L'expéditeur d'un mandat de la Belgique pour le Congo ou du Congo pour la Belgique peut obtenir un avis de paiement de ce mandat en acquittant d'avance, au profit exclusif de l'Administration qui émet le mandat, un droit fixe égal à celui qui est perçu dans ce pays pour les avis de réception des correspondances recommandées. L'avis de paiement ne peut être obtenu pour les mandats échangés par intermédiaire.

VII. L'expéditeur d'un mandat-poste peut le faire retirer du service ou en faire modifier l'adresse tant que le titre n'a pas été délivré au destinataire, pour autant toutefois, lorsqu'il s'agit de mandats échangés par intermédiaire, que la législation des pays intervenants n'y fasse pas obstacle.†

Les Administrations des Postes des deux pays déterminent, de commun accord, les conditions auxquelles il sera donné suite aux demandes introduites à cette fin.

VIII. Les Administrations dressent, à des époques qu'elles fixent, des comptes sur lesquels sont récapitulés les montants de mandats payés par leurs bureaux respectifs.

Sont considérés comme payés, les mandats échangés par l'intermédiaire de ces Administrations avec d'autre pays, du moment où ces mandats ont été remplacés par ce nouveaux titre créés par l'Administration servant d'intermédiaire. Le montant de ceux de ces mandats qui n'ont pas été payés endéans le délai de validité qui leur est applicable, ou dont le remboursement a été autorisé, est reporté ultérieurement à l'avoir de l'Administration du pays d'origine, déduction faite éventuellement du droit de commission qui aurait été retenu par un offic tiers intervenant.

Les comptes sont débattus et arrêtés contradictoirement, puis soldés endéans un délai maximum de six mois par l'Administration qui est reconnue redevable envers l'autre.

IX. Les sommes converties en mandats-postes ont garanties aux déposants jusqu'au moment où elles ont été payées aux destinataires ou aux mandataires de ceux-ci.

Les sommes encaissées en échange de mandats-poste et dont le montant n'a pas été réclamé dans un délai de cinq ans sont définitivement acquises à l'Administration du pays d'origine des mandats.

X. Chacune des Administrations des Postes des deux pays contractants peut, lorsque les circonstances justifient la mesure, suspendre temporairement le service des mandats, soit partiellement, soit totalement, sous la condition d'en donner immédiatement avis à l'autre Administration.

XI. Les Administrations des Postes des deux pays désignent, chacune pour ce qui la concerne, les bureaux qui participent à l'échange des mandats-poste.

Elles règlent la forme, le mode de transmission et le délai de validité des mandats, de même que toutes autres mesures de détail ou d'ordre nécessaires pour assurer l'exécution de la présente Convention.

XII. La présente Convention sera mise à exécution à partir du jour dont les deux Administrations conviendront.

Elle est conclue pour un temps indéterminé, chacune des deux Parties Contractantes ayant le droit d'en faire cesser les effets à toute époque, moyennant préavis de six mois donné à l'autre partie, sous la réserve que les dispositions de la présente Convention demeureront applicables aux mandats non payés dont le délai de validité ne serait pas expiré à la date à laquelle la présente Convention cesserait d'être en vigueur.

Fait à Bruxelles, le 13 Mai, 1893.

(L.S.) COMTE DE MERODE-WESTERLOO, *Ministre des Affaires Étrangères de Sa Majesté le Roi des Belges.*

(L.S.) COMTE DEGRELLE ROGIER, *Secrétaire d'État du Département des Affaires Étrangères de l'État Indépendant du Congo.*

Cette Convention entrera en vigueur le 1^{er} Septembre, 1893.

Certifié par le Secrétaire-Général du Ministre des Affaires Étrangères :

BARON LAMBERMONT.

SERVIAN Law for the Provisional Regulation of Commercial Relations between Serbia and Germany.—Belgrade, June 25, 1893.

(Translation.)

ART. 1. The Royal Government authorizes that on the expiry of the Commercial Treaty between Serbia and Germany of the 25th December, 1882, * the products of the German Empire be treated on the most-favoured-nation footing until the day when the new Commercial Treaty between Serbia and Germany is ratified, and until the 31st December, 1893, at the furthest.

2. This Law comes into force on the day when the King signs it.

We recommend to all our Ministers to publish this Law, and

* Vol. LXXIX, page 534.

to see it carried out. We order our authorities to conform to it, and all and every one to obey it.

ALEXANDER.

LOI de la Grèce, sur les Marques de Fabrique et de Commerce.
—Athènes, le 16 Janvier, 1893.

(Traduction.)

ART. 1^{er}. Tout signe distinctif des produits de l'industrie, de l'agriculture, de la zootechnie et, en général, du commerce est considéré comme marque de fabrique ou de commerce.

La marque peut être apposée sur les objets mêmes ou sur leurs enveloppes; sera considéré comme tel le nom de l'industriel ou du commerçant ou la raison sociale.

2. L'emploi d'une marque est facultatif, mais personne n'a droit à la protection légale pour l'usage exclusif d'une marque s'il n'en a déposé trois exemplaires et un cliché typographique au Greffe du Tribunal Civil de Première Instance de la circonscription où il a son principal établissement, ou, à défaut de celui-ci, un établissement et son domicile.

La protection légale est assurée pendant dix ans à compter du jour du dépôt; à la suite de tout nouveau dépôt dans les mêmes formes, ce délai est prolongé pour une nouvelle période de dix ans.

Celui qui a publiquement fait usage d'une marque le premier et pendant un an sans interruption, a seul droit d'en faire le dépôt.

Pour chaque dépôt il sera perçu un droit de 60 fr. en or.

3. Il sera dressé procès-verbal de chaque dépôt sur un registre tenu à cet effet. Ce procès-verbal sera numéroté et signé par le déposant, ou par son fondé de pouvoirs muni d'une procuration spéciale, et par le Greffier.

Le procès-verbal devra mentionner le jour et l'heure du dépôt, et le genre d'industrie ou de commerce auquel la marque est destinée. Il y sera annexé la procuration authentique et le récépissé du caissier constatant le versement du droit prescrit par l'Article précédent.

Un timbre mobile de 2 fr. sera apposé sur le procès-verbal.

Les procès-verbaux de dépôt seront à la disposition de quiconque voudra en prendre connaissance ou en demander une expédition.

L'un des exemplaires déposés sera conservé au Greffe du Tribunal; le second, parafé par le Greffier, sera annexé à une

expédition sur papier libre du procès-verbal de dépôt, et remis sur le champ au déposant ou à son fondé de pouvoirs; le troisième, accompagné d'une expédition également sur papier libre du procès-verbal et du cliché typographique, sera envoyé, dans la huitaine, par le Greffier, au Directeur de l'École des Arts Industriels.

4. Ce Directeur aura soin d'inscrire le dépôt de la marque sur des registres spéciaux, d'après le genre d'industrie ou de commerce. Le nom du déposant sera inscrit sur un répertoire alphabétique tenu à jour. La marque sera exposée dans une salle spéciale, et une déclaration du dépôt, ainsi qu'une description sommaire du produit et de la marque, sera insérées au "Journal Officiel" avec une reproduction typographique de celle-ci, et cela dans un délai maximum de quinze jours à dater du jour de la remise des pièces au Directeur de l'École des Arts Industriels.

5. La propriété des marques de fabrique ou de commerce ne pourra être cédée qu'avec le droit d'exploitation du produit. Cette transmission n'aura d'effet à l'égard des tiers qu'après le dépôt et la publication d'un extrait de l'Acte qui le constatera, dans les formes prescrites par les Articles 2 et 4.

Cette transmission sera également notée en marge du procès-verbal de dépôt de la marque, et cette annotation sera revêtue des signatures exigées par l'Article 3. Elle sera soumise à un droit de 30 fr. en or, dont le récépissé sera annexé au procès-verbal.

6. Sera passible d'un emprisonnement de six mois au plus, et d'une amende ne dépassant pas 1,000 drachmes, ou d'une seule de ces peines—

(1.) Quiconque aura contrefait un marque, ou fait un usage frauduleux d'une marque contrefait;

(2.) Quiconque aura frauduleusement apposé sur un de ses produits une marque appartenant à autrui;

(3.) Quiconque, sans contrefaire une marque, en aura fait une imitation de nature à tromper les acheteurs, ou aura fait usage d'une pareille marque;

(4.) Quiconque aura sciemment vendu ou mis en circulation un objet revêtu d'une marque contrefaite.

L'action publique résultant des délits prévus par le présent Article ne peut être intentée que dix jours après l'insertion au "Journal Officiel" prévue par l'Article 4, et pour un fait postérieur à l'expiration de ce délai.

Toutefois le déposant peut, dès le lendemain du dépôt, poursuivre par une action civile la reconnaissance judiciaire de son droit à l'usage exclusif de la marque, et alors les délits commis postérieurement à la signification de l'action civile peuvent être poursuivis même avant la publication au "Journal Officiel."

7. Les peines susédictees peuvent être portées au double en cas

de récidive, lorsque celle-ci a lieu dans les cinq années qui suivent le premier délit.

8. Le Tribunal Correctionnel ordonnera que tout jugement soit, aux frais du condamné, inséré dans deux journaux de la capitale, si le délit a été commis à Athènes, ou sinon, dans un journal d'Athènes et dans un autre de l'endroit où le délit a été commis.

9. Le Tribunal ordonnera toujours, même en cas d'acquittement, la destruction des marques contrefaites saisies. Si la marque ne peut être détruite sans détériorer l'objet sur lequel elle est apposée, le Tribunal pourra ordonner la destruction de l'objet même, en totalité ou de partie.

10. En dehors des peines ci-dessus édictées, quiconque aura enfreint la présente Loi sera tenu de réparer le dommage qu'il aura causé. Les marchandises portant une marque contrefaite, et les instruments ayant servi à perpétrer le délit, pourront être adjugés par le Tribunal à la partie lésée, si le condamné en est propriétaire et si la partie lésée a introduit une action en dommages-intérêts, et accepté les dits objets, sur estimation sommaire faite par le Tribunal, pour tout ou partie de la réclamation.

11. L'action publique ne peut s'exercer que sur la plainte de la partie lésée.

12. Le dépôt d'une marque qui n'aurait pas été fait conformément aux dispositions de la présente Loi sera, sur la demande de tout tiers intéressé, déclaré nul par le Tribunal au Greffe duquel il aura été effectué. L'extrait du jugement sera inscrit, par les soins du demandeur, en marque du procès-verbal, dans le délai d'un mois à dater du jour où il aura acquis force de chose jugée, sous peine d'une amende de 25 drachmes au moins.

Toutes les contestations privées, résultant d'une action basée sur la présente Loi, seront jugées par les Tribunaux de Première Instance comme affaires commerciales, lorsqu'elles n'auront pas été introduites, simultanément avec l'action publique, devant le Tribunal Correctionnel.

13. Les étrangers ou les Grecs qui exercent hors de Grèce une industrie ou un commerce bénéficieront des avantages de la présente Loi, si, dans le pays où leurs établissements seront situés, il existe une Loi protégeant les marques de fabrique et de commerce et une Convention Diplomatique établissant la réciprocité pour les marques Grecques.

Toutefois pour jouir, en Grèce, du bénéfice de cette protection, il faudra, en dehors du dépôt de la marque—

(1.) Produire un certificat de l'autorité locale compétente, légalisé par le Consul Hellénique, constatant l'accomplissement des formalités de dépôt prescrites dans le pays où se trouvera l'établissement du demandeur ;

(2.) Élire domicile à Athènes par acte notarié ;

(3.) Déclarer par écrit que le déposant se soumet à la juridiction des Tribunaux d'Athènes.

Les effets de la protection en Grèce cesseront si le délai de protection accordé par la Loi venait à expirer, ou si la Convention Diplomatique de réciprocité cessait d'être en vigueur. Dans aucun cas les étrangers ou les Grecs établis à l'étranger ne pourront avoir en Grèce, pour leurs marques de fabrique ou de commerce, des droits plus étendus qu'ils n'en ont dans le pays où leurs établissements sont situés.

14. Une indemnité sera versée par la Caisse Publique aux Greffiers des Tribunaux de Première Instance, en raison de 2 drachmes par procès-verbal de dépôt, et au Secrétaire de l'École des Arts Industriels en raison également de 2 drachmes pour chaque marque déposée. Ces employés fourniront des états trimestriels, visés par leurs supérieurs hiérarchiques, au Ministère de l'Intérieur, qui leur délivrera des mandats de payement.

15. Toute disposition contraire à la présente Loi est abolie.

16. Une Ordonnance Royale règlera, avec plus de détails, le dépôt, la publication, et l'exposition des marques, ainsi que tout ce qui se rapporte à l'exécution de la présente Loi.

LAND REGULATIONS of British Concession, Hankow.— 1893.

UNDER and in pursuance of the provisions of "The China and Japan Order in Council, 1865,"* and of "The China and Japan Order in Council, 1881,"† Her Majesty the Queen has been graciously pleased to approve the "Land Regulations of the British Concession, Hankow, 1874," as hereby amended, of which a copy is annexed hereto.

Foreign Office, London, May 5, 1893.

ROSEBERRY, *Her Majesty's Principal Secretary*
of State for Foreign Affairs.

Land Regulations of the British Concession, Hankow, 1874, as *amended in 1893.*

1. THAT the limits wherein these Regulations are binding be the British Concession, Hankow.

2. In order that due provision should be made for the better order and good government of the Settlement, and also proper

* Vol. LV, page 136.

† Vol. LXXII, page 1108.

arrangements for the making of roads, building public jetties and offices, and keeping them in repair, and for cleansing, lighting, watering, and draining the Settlement generally, and establishing a watch or police force therein, paying the persons necessarily employed in any municipal office or capacity, for raising money by way of loan for any of the purposes aforesaid, Her Britannic Majesty's Consul shall, as soon after the 1st day of January in each year, or when it may appear to him needful, or on the requisition of seven duly qualified renters of land or others entitled to vote on the terms hereinafter mentioned, convene a meeting of such persons to devise ways and means of raising the requisite funds for these purposes; and at such meeting it shall be competent to the said persons, or a majority of them in public meeting duly assembled, to declare an assessment in the form of a rate to be made on the said land or buildings, and it shall also be competent for the said persons, or a majority of them as aforesaid, to impose other rates and taxes for the purposes aforesaid, in the form of dues on all goods, merchandize, and treasure landed in, shipped from, or passing through the British Concession.

3. And be it further ordered that the said land renters and others as aforesaid, in public meeting duly assembled, under and in accordance with the provisions of the preceding Article, shall appoint, in the mode hereinafter provided, an Executive Committee or Council, to consist of not more than four persons, for the purpose of levying the rates, dues, and taxes hereinbefore mentioned, and applying the funds realized from the same for the purposes aforesaid, and for carrying out the Regulations now made; and such Committee, when appointed, shall have full power and authority to levy and apply such rates, dues, and taxes for the purposes aforesaid, and shall have power and authority to sue for all arrears of such rates, dues, and taxes, and recover the same from all defaulters in the Court under whose jurisdiction such defaulter may be.

4. That at all meetings the following persons shall alone be entitled to vote, namely, duly registered renters of one undivided Concession lot; recognized agents in the actual employment of firms, or persons who are duly registered renters as above; householders whose residences are in the Concession or bordering upon its limits, and whose annual payment of taxes or contributions amounts to 10 taels and upwards; and persons holding written authority to act for qualified voters absent from such meetings. It is understood that a person shall be entitled to one vote for each undivided Concession lot which he may hold, and also, if duly qualified to vote as a householder, to a vote in that capacity, in addition to his vote as a land renter.

5. That on or before the 5th day of January in each year it shall

be competent for any two persons entitled to vote as above to nominate any duly qualified person or persons, not exceeding four, for election as members of the Council; and all such nominations shall be sent in writing to Her Britannic Majesty's Consul with the signatures of the proposer and seconder, and also the written assent to serve of the candidate or candidates proposed. The names of all the persons proposed shall then be exhibited in the Consulate Office until the 12th January, and, on the day appointed for election, should the numbers proposed exceed the required number, the election shall be by ballot; but should not more than four persons be proposed, then they shall be declared duly elected.

6. All persons entitled to vote under Regulation 4 shall be qualified to be members of the Municipal Council.

7. The Council shall enter upon their office as soon after the accounts of the retiring Committee shall have been passed at the annual meeting in January, and at their first meeting the new Council shall elect a Chairman, Secretary, and Treasurer. In the temporary absence of the Chairman, the members present at any meeting of the Council shall elect their Chairman for such meeting.

8. The Council may from time to time appoint such officers and servants as they think necessary for carrying out these Regulations, and fix the salaries, wages, and allowances of such officers and servants, and may pay the same out of the municipal funds, and make bye-laws for the government of such officers and servants, and may discontinue or remove any of them, from time to time, as they shall think fit.

9. When, in pursuance of these Regulations, the above-mentioned Committee or Council shall be duly elected, all the power, authority, and control conferred by the bye-laws now sanctioned and annexed to these Regulations, and all the rights and property which, by such bye-laws, are declared to belong to any Committee or Council as aforesaid, shall vest in and absolutely belong to such Committee or Council and to their successors in office, and such successors as are duly elected and such Committee shall have power and authority from time to time to make other bye-laws for the better enabling them to carry out the object of these Regulations, and to repeal, alter, or amend any such bye-laws, provided such other bye-laws be not repugnant to the provisions of these Regulations, and be duly confirmed and published; and provided also that no bye-law made by the Committee under the authority of these Regulations, except such as relate solely to their Council or their officers or servants, shall come into operation until passed and approved by Her Britannic Majesty's Consul and Minister and the ratepayers in special meeting assembled, of which meeting and the object of it ten days' notice shall be given.

10. The Council shall administer the municipal funds only for the public use and benefit at their discretion, and in accordance with any resolution carried at any general meeting of land renters and ratepayers, and a statement shall be drawn up by them at the end of each year for which the Council has been elected, showing the nature and amount of the receipts and disbursements of the municipal fund for that year, and the said statement shall be published for general information at least seven days before the general meeting is convened.

11. And whereas it is also expedient that due provision should be made for the auditing of the accounts of the said Committee or Council, and for the obtaining the approval and sanction of them by the ratepayers in public meeting duly assembled, be it ordered that an auditor shall be appointed by the Council to audit their accounts, and that the accounts so audited shall be published seven days before the annual meeting.

12. In case of a vacancy or vacancies occurring in the Committee or Council during the municipal year, Her Britannic Majesty's Consul shall, if requested to do so, convene a meeting for the purpose of filling up such vacancy or vacancies.

13. Be it further ordered that it shall be competent for Her Britannic Majesty's Consul, at any time when it may appear to him needful, or at the requisition of seven renters of land duly qualified to vote, or others entitled to vote on the terms previously mentioned, five of whom must be resident within the British Concession, to call a public meeting, giving ten days' notice of the same, setting forth the business upon which it is convened, for the consideration of any matter or thing connected with the Municipality. All resolutions passed by a majority at any such public meeting, on all such matters aforesaid, shall be valid and binding on the whole of the ratepayers, provided not less than two-thirds of the whole body of those entitled to vote be represented at the meeting. At such meeting Her Britannic Majesty's Consul shall take the chair; and, in his absence, then such ratepayer as the majority of voters present may nominate, who shall report to Her Britannic Majesty's Consul the resolutions passed at such meeting for his concurrence and approval; and, unless such approval be officially given, such resolutions shall not be valid and binding. Provided always that a term of ten days shall elapse between the date of the resolution and the signification of approval of Her Britannic Majesty's Consul. In all cases in which the ratepayers in public meeting assembled, herein provided, decide upon any matter of a municipal nature, not already enumerated, and affecting the general interests, any person considering himself prejudiced in property or interests by the resolution may, within the period of ten days

aforesaid, represent his case to Her Britannic Majesty's Consul for his consideration. After the expiration of the term of ten days, the Consular approval, if signified, shall be binding.

14. All transfers of lots or portions of lots in the British Concession shall be made by the parties to the transfer or their duly authorized representatives in the presence of an officer of Her Britannic Majesty's Consulate, Hankow, and shall be registered at the said Consulate.

15. Ten days previous to the annual and all other general meetings, a list of land renters to whom land has been transferred, and registered as before provided, shall be communicated by the Consul to the Municipal Council. The Council shall thereupon cause a list to be made of all persons entitled to vote, and of the number of votes to which each may be entitled, which list shall be exhibited in the British Consulate Office at least seven days before the meeting. Corrections of the list may be made up to within forty-eight hours of the time of holding the meeting on proof of error or omission being given to the satisfaction of the Consul. Votes shall only be allowed in accordance with the list so corrected.

Proxies shall be lodged with the Consul at least twenty-four hours before the meeting.

16. Be it also further ordered, that any penalty, or forfeiture, or fees on licences, provided for in the Bye-laws framed under the authority of these Regulations, and imposed in pursuance of such Bye-laws, may be recovered by summary proceedings before the proper authority, and it shall be lawful for such authority upon conviction to adjudge the offender to pay the penalty or incur the forfeiture as well as the costs attending the conviction, as such authority may think fit. All fines and penalties levied under these Regulations, and the Bye-laws framed and to be framed under them, shall be carried to the credit of the Committee or Council in diminution of the general expenditure authorized by the provisions of these Regulations.

17. No matter or thing done, or contract entered into, by the Council, nor any matter or thing done by any member thereof, or person whomsoever, acting under the orders of the Council, shall, if the matter or thing were done or the contract entered into *bonâ fide* for the purpose of executing these Regulations, subject them or any of them personally to any action, liability, claim or demand whatsoever. And any expense properly, and with due authority, incurred by the Council, or those acting directly under and in accordance with their orders, shall be borne and repaid out of rates levied under the authority of these Regulations.

18. The Committee shall be liable to be sued, through their

Secretary, in Her Britannic Majesty's Consular Court at Hankow, by any person who may deem himself injured by any act of the Committee or its officers, and should the plaintiff obtain damages in any such suit, said damages and the costs of such suit shall be summarily recoverable by Her Britannic Majesty's Consul, and paid out of the funds levied under the authority of these local Regulations.

Bye-laws annexed to the Land Regulations for the Foreign Settlement, Hankow.

1. The entire control and management of all public sewers and drains within the limits of these Regulations, and all sewers and drains in and under the roads, and all the works and materials thereunto belonging, whether made at the time of the passing of these Regulations or at any time thereafter, and whether made at the cost of the Council or otherwise, shall vest in and belong to the Council.

2. No sewer or drain shall be made, or any building be erected over any sewer belonging to the Council, neither shall any branch drain be carried into any of the sewers or drains above vested in the Council, without the consent of the Council first obtained in writing. And if, after the passing of the Land Regulations, any sewer or drain be made, or any building be erected, contrary to the provisions herein contained, the Council may demolish the same, and the expenses incurred thereby shall be paid by the person so offending, and shall be recoverable as damages.

3. All sewers and drains within the limits of these Regulations, whether public or private, shall be provided by the Council, or other persons, to whom they severally belong, with proper traps or other coverings, or means of ventilation, so as to prevent stench.

4. The expense of maintaining and cleansing all sewers not hereinbefore provided for shall be defrayed out of the rates and taxes to be levied under Article 1 of the Land Regulations.

5. It shall not be lawful to erect any house in the Settlement, or to rebuild any house in the Settlement, without at the same time constructing a covered drain or drains of such size and materials, and at such level, and with such fall as to the Council shall appear necessary and sufficient for the proper and effectual drainage of the same and its appurtenances, in terms of Bye-laws Nos. 1 and 2: the drain or drains so to be constructed shall communicate with such sewers as the Council may direct. And whosoever erects or rebuilds any house or other building, or constructs any drains

contrary to this Bye-law, shall be liable for every such offence to a penalty not exceeding 250 taels.

6. The Council, and none other, shall be surveyor of all highways within the limits of the aforesaid Regulations, and within those limits shall have all such powers and authorities as any surveyors of highways are invested with in England.

7. The management of the streets, bunding, and jetties, and the laying out and repairing thereof, shall be vested in the Council; and all materials, implements, and other things provided for laying out and repairing said streets, bunding, and jetties, shall belong to the Council.

8. The Council may stop up any streets, and prevent all persons from passing along and using the same during the construction, alteration, repair, or demolition of any sewer or drain in or under such street.

9. Every person who wilfully displaces, takes up, or makes any alteration in the pavement, flags, or other materials of any street, bunding, or jetties under the management of the Council, without their consent in writing, shall be liable to a penalty not exceeding 25 taels.

10. When any building materials or other things are laid, or any hole made in any of the streets, whether the same be done by order of the Council or not, the person or persons causing such hole to be made shall, at his own expense, cause a sufficient light to be fixed in a proper place on or near the same, and continue such light every night from sun-setting to sun-rising while such materials or hole remain; and such person shall, at his own expense, cause such materials or other things and such hole to be sufficiently fenced and inclosed until such materials or other things are removed, or the hole filled up, or otherwise made secure. And every such person who fails so to light, fence, or inclose the same shall for every such offence be liable to a penalty not exceeding 25 taels.

11. If any building, wall, or hole, or other place near any street be, for want of sufficient repair, protection, or inclosure, dangerous to the passengers along such street, the owner shall repair the same, or, in default, the Council shall cause the necessary repairs to be made, and the expenses of the same shall be recoverable as damages from the owner. If the owner cannot be found, or any agent who will undertake to act for him, within the limits of these Regulations, the Council, after giving twenty-eight days' notice of their intention to do so, by posting a printed or written notice in a conspicuous place on such building, or on the land on which such building stood, or other place, may take such building or land and sell the same by public auction under Consular injunction, and from and out of the proceeds of such sale reimburse themselves for the outlay incurred,

and shall restore any overplus arising from such sale to the owner of such property on demand; but should the proceeds of such sale not cover the expenses incurred, the Council shall have the same remedies for compelling the payment of the balance as are hereinbefore given to them for compelling the payment of the whole of the said expenses.

12. The Council may give notice to the owner or occupant of any house or other building to remove or alter any porch, shed, projecting window, step, or any other obstruction or projection erected or placed against, or in front of, any house or other building within the limits of these Regulations, and which is an obstruction to the safe and convenient passage along any street; and such owner and occupant shall, within fourteen days after the service of such notice upon him, remove such obstruction, or alter the same in such manner as shall have been directed by the Council, and in default thereof shall be liable to a penalty not exceeding 10 taels; and the Council in such case may remove such obstruction or projection, and the expense of such removal shall be paid by the owner or occupant so making default, and shall be recoverable as damages.

13. No person shall obstruct the public roads or foot-paths with any kind of goods or building materials, under a penalty of 10 taels for every twenty-four hours of continued obstruction; and after the first twenty-four hours that notice of removal shall have been given to the owner of the same, or the person using, employing, or having control over the same, or in the absence of any such person, or inability on the part of the agents of the Council to find him, the Council shall remove and retain the same until the expense of such removal shall have been repaid, or may recover the expense of such removal as damages, or may sell the same to recover such expenses, holding the balance, if any, after payment of penalties, expenses, and costs, to the use of the person entitled to the same.

14. In the case of any stagnant pool, ditch, or pond of water, pig-stye, cow-house, stable, privy, or any other building, construction, or thing, being proved a nuisance to the occupiers of adjacent lots, or to the public, the Secretary of the Council shall forthwith give notice to the owner, or reputed owner, or agent, that such nuisance must be removed; and if the same be not removed within a time considered reasonable by the Council, the Council may abate such nuisance at the expense of the owner of such property, the same being recoverable as damages.

15. That no spirit-shop, or house of entertainment of any kind, shall be opened within the limits of the Settlement, without a licence first obtained from the Council, countersigned by Her

Britannic Majesty's Consul (charges for such licence to be hereafter arranged), under a penalty not exceeding 100 taels, recoverable from the person committing such offence.

16. All persons causelessly creating a noise or disturbance, and all persons guilty of furious and improper riding or driving, or the leading of horses up and down the bund for exercise, or who shall commit any act which may legitimately come within the meaning of the term nuisance, shall be liable to a penalty not exceeding 10 taels.

17. All Chinese passing through or in the Settlement after 6 P.M. in the winter and 8 P.M. in summer, until daylight, must be provided with lighted lanterns, under a penalty of being handed to Her Britannic Majesty's Consul for transmission to the native authorities.

18. It shall be lawful for any officer or agent of the Council, and all persons called by him to his assistance, to seize and detain any person who shall have committed any offence against the provisions of these Bye-laws, and if he be a Chinese subject, or a foreigner belonging to some nationality not represented by a Consul, to hand him to Her Britannic Majesty's Consul to be disposed of according to law. If the offender be a citizen or subject of some nationality duly represented, he shall be handed over to his own Consul for adjudication.

19. Nothing in these Bye-laws contained shall be construed to render lawful any act or omission on the part of any person which is, or would be, deemed to be a nuisance at common law from prosecution or action in respect thereof, according to the forms or proceeding at common law, nor from the consequences upon being convicted thereof.

20. Every penalty or forfeiture imposed by these bye-laws, made in pursuance thereof, the recovery of which is not otherwise provided for, may be recovered by summary proceedings before Her Britannic Majesty's Consul, and, upon conviction, the offender shall pay the penalty or forfeiture incurred, as well as such costs attending the conviction as such Consul shall think fit.

ORDINANCE of the British South Africa Company, consolidating and amending the Law relating to Oaths, Affidavits, and Solemn Declarations.

[No. 3.]

—

[September 11, 1893.]

In pursuance of the power for making Ordinances conferred on the British South Africa Company by or under Her Majesty's

Charter of the 29th day of October, 1889,* and of every other power enabling the British South Africa Company in this behalf:

It is hereby ordained by the British South Africa Company as follows:—

1. The limits of this Ordinance shall be Mashonaland, that is to say, Fort Tuli and an area of 10 miles round that fort, and the territories north of the South African Republic, but excluding the territory known as the “Disputed Territory,” lying between the Shashi and Macloutsie Rivers, and all territories belonging to the Chief Khama of the Bamangwato, and the territory known as the district of the Tati.

2. The Ordinance of the Colony of the Cape of Good Hope No. 6 of 1845, the 7th section of the Ordinance of the Colony of the Cape of Good Hope No. 72 of 1830, the 7th section of the Ordinance of the Colony of the Cape of Good Hope No. 14 of 1846, the 10th section of the Act of the Colony of the Cape of Good Hope No. 4 of 1861, and so much of any other law as shall be repugnant to or inconsistent with the provisions of this Ordinance, shall be and the same are hereby repealed.

Of Oaths.

3. It shall not be lawful for any Magistrate, Justice of the Peace, or other person authorized to administer an oath to administer or cause or allow to be administered any oath, affidavit, or affirmation touching any matter or thing whereof such Magistrate, Justice of the Peace, or other person has not or does not believe himself to have jurisdiction, cognizance, or authority under or by virtue of some law in force at the time being.

4. Any Justice of the Peace may, within the district in which jurisdiction is conferred on him, administer an oath or swear any deponent to the truth of an affidavit in any of the cases or proceedings following:—

(a.) In any action or proceeding pending or about to be brought in any Court of Law within the limits of this Ordinance or elsewhere.

(b.) In any proceeding before Arbitrators.

(c.) In any proceeding in the nature of a judicial proceeding under the Insolvent Ordinance of the Colony of the Cape of Good Hope No. 6 of 1843.

(d.) For the proof of the due execution of any will, or other document, required by the law, usage or practice of any other country to be proved or authenticated by affidavit.

(e.) In any inquiry or proceeding in which by this Ordinance, or any other law the taking of an oath or affidavit is directed, authorized, or permitted.

Of the Oath of Allegiance.

5. Wherever by any law or usage it shall be required of any person to take the Oath of Allegiance, such oath shall be taken as nearly as is material in the form following:—

“I do sincerely promise and swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, her heirs and successors, according to law.”

Of Affirmations in lieu of Oaths.

6. In all cases where any person who is or may be required to take an oath shall object to do so, it shall be lawful for such person to make an affirmation in the words following:—

“I do truly affirm and declare that ” [*here insert the matter to be affirmed or declared*].

Which affirmation or declaration shall be of the same force and effect as if such person had taken such oath. And every person authorized, required, or qualified by law to take or administer an oath shall accept in lieu thereof an affirmation or declaration as aforesaid.

7. The same penalties, punishment, and disability which are respectively in force, and are attached to any neglect, refusal, and false or corrupt taking or subscribing of any such oath as aforesaid, shall apply and attach in like manner in respect of the neglect, refusal, and false or corrupt making or subscribing respectively of any such affirmation or declaration as is in the last preceding section mentioned.

Of Solemn Declarations.

8. The 3rd section of “The Interpretation Act, 1883,” of the Colony of the Cape of Good Hope, is hereby amended by the omission of the words “Ordinance No. 6, 1845,” and the definition therein of “solemn declaration” shall read “solemn declaration,—A declaration made under and by virtue of the provisions of ‘The Oaths and Declarations Ordinance, 1893.’”

9. Whenever by any law now in force a solemn declaration is directed, permitted, or authorized to be made, it shall be sufficient in case such declaration be made and subscribed in the form (as nearly as material) to this Ordinance annexed.

10. Any Justice of the Peace may take and receive the declaration of any person voluntarily making the same before him in the form mentioned in the last preceding section, and if any declaration so made shall be false or untrue in any material particular, the person wilfully making such false or untrue declaration shall be

guilty of the offence of making a false declaration, and shall upon conviction be liable to a penalty not exceeding 50*l.*, or to imprisonment with or without hard labour for a period not exceeding six months, but nothing herein contained shall prevent the prosecution of such person for fraud or any other crime or offence of which he may be chargeable, provided that he shall not be liable to prosecution for making a false declaration, and also for fraud or such other crime or offence.

11. Nothing in this Ordinance contained shall extend or apply to any declaration referred to in, or made under the provisions of, "The Transfer Duty Act, 1884," of the Colony of the Cape of Good Hope.

12. This Ordinance may be cited as "The Oaths and Declarations Ordinance, 1893."

God save the Queen !

Given at 19, St. Swithin's Lane, in the city of London, the head office of the Company, this 11th day of September, 1893.

(Seal.)

GIFFORD,

GEORGE CAWSTON, *Directors*.

HERBERT CANNING, *Secretary*.

SCHEDULE.

I, *A. B.*, of _____, do solemnly and sincerely declare [*here insert the matter to be declared*]. And I make this solemn declaration, conscientiously believing the same to be true.

Declared at _____, this _____ day of _____, 189 .

Before me.

Approved :

RIPON.

ORDINANCE of the British South Africa Company, amending the Act of the Colony of the Cape of Good Hope, No. 22 of 1877, commonly called "The Trade-Marks Registration Act, 1877," which, together with "The Merchandize Marks Act, 1888" (No. 12 of 1888), and "The Merchandize Marks Amendment Act, 1889" (No. 14 of 1889), is in force in Mashonaland, by virtue of Article 19 of the Proclamation of the 10th June, 1891,† made by Her Majesty's High Commissioner for South Africa, under the provisions of Her Majesty's Order in Council dated the 9th day of May, 1891,‡ and published on the 4th day of June, 1891, in the "Government Gazette" of the Colony of the Cape of Good Hope.*

[No. 5.]

—

[September 11, 1893.]

IN pursuance of the powers for making Ordinances conferred on the British South Africa Company by or under Her Majesty's Charter of the 29th day of October, 1889,§ and of every other power enabling the British South Africa Company in this behalf:

It is hereby ordained by the British South Africa Company as follows:—

1. The limits of this Ordinance shall be Mashonaland, that is to say, Fort Tuli and an area of 10 miles round that fort and the territories north of the South African Republic, but excluding the territory known as the "Disputed Territory," lying between the Shashi and Macloutsie Rivers, and all territories belonging to the Chief Khama of the Bamangwato and the territory known as the district of the Tati.

2. In the Act of the Colony of the Cape of Good Hope No. 22 of 1877, commonly called "The Trade-Marks Registration Act, 1877" (hereinafter called "the principal Act"), the expression "the Governor" shall mean the Administrator.

3. The part of section 7 of the principal Act, commencing with the words "Any rules made in pursuance," and ending with the words "before the date of such resolution," is hereby expunged.

4. In section 9 of the principal Act the meaning given to the expression "the Court" is hereby expunged, and in place thereof the expression "the Court" shall mean the Court of the Chief Magistrate, or any Court which may be declared a Court for the purpose of the principal Act and this Ordinance, by general rules made in pursuance of that Act and this Ordinance.

5. For the purposes of the principal Act a trade-mark must henceforth consist of or contain at least one of the following essential particulars:—

* Vol. LXXXIV, page 1154.

† Vol. LXXXIV, page 828.

‡ Vol. LXXXIII, page 809.

§ Vol. LXXXI, page 617.

(a.) A name of an individual or firm printed, impressed or woven in some particular and distinctive manner ; or

(b.) A written signature or copy of a written signature of the individual or firm applying for registration thereof as a trade-mark ; or

(c.) A distinctive device, mark, brand, heading, label, ticket, or fancy word or words not in common use.

And there may be added to any one or more of these particulars any letters, words, or figures, or combination of letters, words, or figures, or any of them: Provided also that any special and distinctive word or words, letter, figure, or combination of letters or figures or of letters and figures used as a trade-mark before the 8th day of August, 1877, may be registered as a trade-mark under the principal Act.

6. This Ordinance may be cited as "The Trade-Marks Registration Amendment Ordinance, 1893," and so much of the principal Act or any other law as may be repugnant to or inconsistent with this Ordinance is hereby repealed, and the principal Act and this Ordinance may be cited together as "The Trade-Marks Registration Laws, 1877 and 1893."

God save the Queen !

Given at 19, St. Swithin's Lane, in the city of London, the head office of the Company, this 11th day of September, 1893.

(Seal.)

GIFFORD,

GEORGE CAWSTON, *Directors*.

HERBERT CANNING, *Secretary*.

Approved :

RIPON.

PROCLAMATION by the Governor of Gibraltar, prohibiting the Exportation of Arms, Ammunition, and Gunpowder.—Gibraltar, October 11, 1893.

(L.S.) ROBERT BIDDULPH, *General and Governor*.

BY his Excellency Sir Robert Biddulph, R.A., General of Her Majesty's forces, K.C.M.G., C.B., Governor, Vice-Admiral, and Commander-in-chief of the city, garrison, and territory of Gibraltar, &c.

WHEREAS by "The Exportation of Arms Ordinance, 1878,"* it is enacted that it shall be lawful for the Governor, by Proclama-

* Vol. LXIX, page 461.

tion to be made by him and published in the "Gibraltar Chronicle," or in such other manner as Government Notices are usually published, to prohibit the exportation or removal from the port and city of Gibraltar of arms, ammunition, and gunpowder:

Now I, Sir Robert Biddulph, the Governor of the city and garrison of Gibraltar, in the exercise of the power so vested in me in that behalf, and all other powers me enabling, do by these presents promulgate, proclaim, and make known to all whom it may concern, as follows (that is to say):—

From and after this 11th day of October, 1893, the exportation or removal from the port and city of Gibraltar of arms, ammunition and gunpowder is hereby prohibited.

In witness whereof I have hereunto set my hand and seal at Gibraltar, this 11th day of October, 1893.

By command,

CAVENDISH BOYLE, *Colonial Secretary.*

BRITISH NOTIFICATION of the Accession of the Indo-European Telegraph Company to the International Telegraph Convention of July 22, 1875.—Berlin, April 21, 1890.*

M. LE BARON,

Berlin, April 21, 1890.

I HAVE the honour to inform your Excellency that I have been directed by the Marquess of Salisbury to notify to the Imperial Government, in accordance with the second paragraph of Article XVIII and Regulation LXXXVI, paragraph 2, of the International Telegraph Convention (the last International Telegraph Conference having been held in Berlin), the adhesion of the Indo-European Telegraph Company to the International Telegraph Convention, and I have the honour to inform your Excellency that the Company is anxious that the formal announcement of accession may precede the meeting of the Conference which is to open at Paris on the 15th proximo.

I have, &c.

Baron Marschall.

E. B. MALET.

ACCESSION of Abyssinia to the General Act of the Brussels Slave Trade Conference.—September 16, 1890.**The Belgian Minister at London to Her Majesty's Secretary of State for Foreign Affairs.**Légation de Belgique, Londres,*

M. LE MARQUIS,

le 16 Septembre, 1890.

AUX termes de l'Article XCVIII de l'Acte Général de la Conférence de Bruxelles du 2 Juillet, 1890, et en vertu d'un mandat de Sa Majesté Ménélék, Négus Neghesti d'Ethiopie, conféré au Gouvernement du Roi d'Italie, le Baron de Renzis, Ministre d'Italie à Bruxelles, a notifié à mon Gouvernement que le Négus adhère au dit Acte Général et en accepte toutes les obligations.

Conformément à la stipulation finale de l'Article XCVIII susmentionné, le Gouvernement du Roi me charge de porter cette notification à la connaissance du Gouvernement de la Reine.

Je saisis, &c.,

Le Marquis de Salisbury.

SOLVYNS.

ORDINANCE of the Governor of Hong Kong, to amend Ordinance No. 3 of 1862† relative to Prohibited Exports.

[No. 3.]

[March 26, 1884.]

(L.S.) G. F. BOWEN.

BE it enacted by the Governor of Hong Kong, with the advice of the Legislative Council thereof, as follows:—

Ordinance 3 of 1862† is hereby amended, as follows:

In section 1, by adding at the end of the section, the words following:—

“The Governor may, in his discretion, at any time whilst any Proclamation made under this Ordinance is in force, permit to be exported or to be carried coastwise, or to be water-borne to be so exported or carried, any particular articles or class of articles the export of which is prohibited by such Proclamation, to such persons and on such terms and subject to such conditions and regulations, if any, as to the Governor may seem fit, and may in his discretion at any time revoke or vary the terms of any such permission. Whilst any such permission is in force, it shall be lawful to export the articles so permitted to be exported

* Vol. LXXXII, page 55.

† Vol. LVIII, page 652.

subject and according to the terms, conditions, and regulations of such permission.

Passed the Legislative Council of Hong Kong, this 26th day of March, 1884.

J. H. STEWART-LOCKHART,

Acting Clerk of Councils.

Assented to by his Excellency the Governor, the 29th day of March, 1884.

W. H. MARSH, *Colonial Secretary.*

ACT of the Legislature of Bermuda, relating to Suits against Public Companies abroad having Agencies in those Islands.

[No. 27.]

[November 10, 1885.]

WHEREAS it is expedient to make provision for rendering trading Companies established in places out of these islands, but transacting business in these islands by means of local branches or agencies, amenable in certain cases to the jurisdiction of the Superior Court in these islands :

We therefore, &c., be it enacted, &c.

1. Companies and corporate bodies incorporated out of these islands, for banking, insurance, or other trading purposes, and doing business in these islands by agents or branches, may be sued, at law or in equity, in the Court of General Assize of these islands, for any cause of action, legal or equitable, arising in whole or in part in these islands, by the name whereby they are, or purport to be, associated or incorporated, or under which they carry on business in these islands; and service of any process, pleading, rule, or notice on the agent, or any one of the agents or manager of the Company or Association in these islands shall be deemed good and sufficient service on the Company; and all such suits may be prosecuted and carried on to Judgment or Decree in like manner as if the defendant Company were formed, or incorporated, or established in these islands, or had its principal place of business therein; provided that in all such suits and proceedings it shall be competent to the Court to make such orders with respect to pleading and practice as the Court shall deem necessary for securing the defendant Company against surprise, or undue haste in prosecuting the suit or other proceeding.

2. The Court or a Judge at Chambers may, on sufficient cause shown, allow reasonable time for the agent or manager to communicate with the defendant Company, and may make such order

with respect thereto, and on such terms or conditions, as justice may require.

3. If Judgment shall pass, or any Decree or Order shall be made, in any such suit or proceeding, in favour of the plaintiff or person suing, or against the defendant Company, such Judgment or Decree shall be or create a charge on any real estate of the Company in these islands, and execution or other process for enforcing such Judgment or Decree may be sued out in like manner and form against the defendant Company as if such Company were established or had its principal place of business in these islands, or as near thereto as circumstances will permit, or in such form as the Court, or a Judge at Chambers, shall sanction, and may be served on the agent or manager, and shall bind the assets of the Company in these islands or which then are in, or afterwards shall come to, the hands or under the control of such agent or manager, subject always to the agent's or manager's lawful charges or commissions thereon.

4. After any Judgment or Decree given, or any order made, in any suit against the defendant Company, it shall be lawful for the Court, or a Judge at Chambers, to cause the agents or managers of the Company to be examined from time to time on oath before the Court or a Judge concerning the assets or property of the Company in these islands; and it shall be lawful for the Court or Judge to make such order therein as to justice may pertain, and such order may, if the Court or Judge shall so order, be enforced against any agent or manager personally.

5. From every order of any Judge at Chambers made under this Act there shall always lie an appeal to the Court; and the Court shall have power, by any special or general order, to direct how such appeal shall be conducted, and also shall have power on any such appeal to vary or rescind the order appealed against, or to make such other order in the matter as the Court shall see fit.

6. In any suit or proceeding under this Act the Court shall have power to allow such costs to either party, whether as between client and solicitor, or as between party and party, as to the Court shall seem fit.

7. Nothing in this Act contained shall prevent any person proceeding against any Company or Association of persons out of these islands, or the assets, property, or effects of any Company or Association of persons out of these islands, in like manner as if this Act had not been passed.

PROCLAMATION by the Officer administering the Government of the Colony of Hong Kong and its Dependencies, prohibiting the Exportation of Arms and Ammunition, &c.—Hong Kong, October 1, 1891.

(L.S.) G. DIGBY BARKER,

Officer administering the Government.

WHEREAS by Ordinance No. 3 of 1862,* intituled "An Ordinance to authorize his Excellency the Governor by Proclamation to prohibit the exportation of military stores and other articles," as amended by Ordinance No. 3 of 1884,† intituled "An Ordinance to amend Ordinance No. 3 of 1862," it is enacted that it should be lawful for his Excellency the Governor, by and with the advice of the Executive Council, by Proclamation to be published in the "Hong Kong Government Gazette," or in any "Extraordinary Gazette," to prohibit, for such period as should be mentioned in such Proclamation, either to be exported from the Colony of Hong Kong or to be carried coastwise within the said Colony (amongst other things), arms, ammunition, gunpowder, and military and naval stores, subject to any permission that may be obtained under the last-mentioned Ordinance;

And whereas, in consequence of certain representations that have been made to me by the Government of the Empire of China, and for other reasons, I have determined, with the advice of the Executive Council of this Colony, to prohibit such exportation for the period hereinafter mentioned:

Now, therefore, I, Major-General George Digby Barker, by and with the advice of the Executive Council of this Colony, do, by this Proclamation, for a period of six months from the date thereof, prohibit either to be exported from the Colony of Hong Kong, or to be carried coastwise within the said Colony, arms, ammunition, gunpowder, and naval and military stores, unless this Proclamation shall be in the meantime revoked, or unless permission shall have been obtained under Ordinance No. 3 of 1884.

By command,

W. M. GOODMAN, *Acting Colonial Secretary.*

God save the Queen!

Given at Government House, Hong Kong, this 1st day of October, 1891.

PROCLAMATION by the Governor and Commander-in-chief of the Colony of Hong Kong and its Dependencies, prohibiting the Exportation of Arms, Ammunition, &c.—Hong Kong, March 26, 1892.

(L.S.) WILLIAM ROBINSON, *Governor*.

WHEREAS by Ordinance No. 3 of 1862,* intituled "An Ordinance to authorize his Excellency the Governor by Proclamation to prohibit the exportation of military stores and other articles," as amended by Ordinance No. 3 of 1884,† entitled "An Ordinance to amend Ordinance No. 3 of 1862," it is enacted that it should be lawful for his Excellency the Governor, by and with the advice of the Executive Council, by Proclamation to be published in the "Hong Kong Government Gazette," or in any "Extraordinary Gazette," to prohibit for such period as should be mentioned in such Proclamation, either to be exported from the Colony of Hong Kong or to be carried coastwise within the said Colony (amongst other things), arms, ammunition, gunpowder, and military and naval stores, subject to any permission that may be obtained under the last-mentioned Ordinance;

And whereas, by Proclamation dated the 1st day of October, 1891,‡ such exportation and carriage coastwise were prohibited for a period of six months from the date thereof;

And whereas I have determined, with the advice of the Executive Council of this Colony, that it is expedient to continue and extend such prohibition for the period hereinafter mentioned:

Now, therefore, I, Sir William Robinson, by and with the advice of the Executive Council of this Colony, do by this Proclamation prohibit for a further period of six months from the 1st day of April, 1892, either to be exported from the Colony of Hong Kong, or to be carried coastwise within the said Colony, arms, ammunition, gunpowder, and naval and military stores, unless this Proclamation shall in the meantime be revoked, or unless permission shall have been obtained under Ordinance No. 3 of 1884.

By his Excellency's command,

G. T. M. O'BRIEN, *Colonial Secretary*.

God save the Queen!

Given at Government House, Hong Kong, this 26th day of March, 1892.

* Vol. LVIII, page 652.

† Page 778.

‡ Page 781.

DECREES of the King of the Belgians, sanctioning Enactments of the Legislature, modifying Articles 1, 36, 47, 48, 52, 53, 54, 56, 58, 60, and 61 of the Belgian Constitution.—Ostend, September 7, 1893.*

(1.)

LÉOPOLD II, Roi des Belges, à tous présents et à venir, Salut.

Les Chambres ont adopté, dans les conditions prescrites par l'Article 131 de la Constitution, et nous sanctionnons, ce qui suit :—

L'Article 1^{er} de la Constitution est remplacé par la disposition suivante :

La Belgique est divisée en provinces.

Ces provinces sont : Anvers, le Brabant, la Flandre Occidentale, la Flandre Orientale, le Hainaut, Liège, le Limbourg, le Luxembourg, Namur.

Il appartient à la loi de diviser, s'il y a lieu, le territoire en un plus grand nombre de provinces.

Les Colonies, possessions d'outre-mer, ou Protectorats que la Belgique peut acquérir sont régis par des lois particulières. Les troupes Belges destinées à leur défense ne peuvent être recrutées que par des engagements volontaires.

Promulguons la présente disposition, ordonnons qu'elle soit revêtue du sceau de l'État et publiée par la voie du "Moniteur."

Donné à Ostende, le 7 Septembre, 1893.

(L.S.) LÉOPOLD.

(2.)

LÉOPOLD II, Roi des Belges, à tous présents et à venir, Salut.

Les Chambres ont adopté, dans les conditions prescrites par l'Article 131 de la Constitution, et nous sanctionnons, ce qui suit :—

L'Article 36 de la Constitution est remplacé par la disposition suivante :

Le membre de l'une des deux Chambres nommé par le Gouvernement à toute autre fonction salariée que celle de Ministre et qui l'accepte, cesse immédiatement de siéger et ne reprend ses fonctions qu'en vertu d'une nouvelle élection.

Promulguons la présente disposition, ordonnons qu'elle soit revêtue du sceau de l'État et publiée par la voie du "Moniteur."

Donné à Ostende, le 7 Septembre, 1893.

(L.S.) LÉOPOLD.

(3.)

LÉOPOLD II, Roi des Belges, à tous présents et à venir, Salut.

Les Chambres ont adopté, dans les conditions prescrites par l'Article 131 de la Constitution, et nous sanctionnons, ce qui suit :—

L'Article 47 de la Constitution est remplacé par la disposition suivante :

Les Députés à la Chambre des Représentants sont élus directement dans les conditions ci-après :

Un vote est attribué aux citoyens âgés de 25 ans accomplis, domiciliés depuis un an au moins dans la même commune, et qui ne se trouvent pas dans l'un des cas d'exclusion prévus par la loi.

Un vote supplémentaire est attribué à raison de chacune des conditions suivantes :

1. Être âgé de 35 ans accomplis, être marié, ou veuf ayant descendance légitime, et payer à l'État au moins 5 fr. d'impôt du chef de la contribution personnelle sur les habitations ou bâtiments occupés, à moins qu'on n'en soit exempté à raison de sa profession.

2. Être âgé de 25 ans accomplis et être propriétaire :

Soit d'immeubles d'une valeur d'au moins 2,000 fr., à établir sur la base du revenu cadastral ou d'un revenu cadastral en rapport avec cette valeur ;

Soit d'une inscription au grand-livre de la Dette Publique ou d'un carnet de rente Belge à la Caisse d'Épargne, d'au moins 100 fr. de rente.

Les inscriptions et carnets doivent appartenir au titulaire depuis deux ans au moins.

La propriété de la femme est comptée au mari ; celle des enfants mineurs, au père.

Deux votes supplémentaires sont attribués aux citoyens âgés de 25 ans accomplis et se trouvant dans l'un des cas suivants :

(a.) Être porteur d'un diplôme d'enseignement supérieur ou d'un certificat homologué de fréquentation d'un cours complet d'enseignement moyen du degré supérieur, sans distinction entre les établissements publics ou privés ;

(b.) Remplir ou avoir rempli une fonction publique, occuper ou avoir occupé une position, exercer ou avoir exercé une profession privée qui impliquent la présomption que le titulaire possède au moins connaissances de l'enseignement moyen du degré supérieur. La loi détermine ces fonctions, positions, et professions, ainsi que, le cas échéant, le temps pendant lequel elles auront dû être occupées ou exercées.

Nul ne peut cumuler plus de trois votes.

Promulguons la présente disposition, ordonnons qu'elle soit revêtue du sceau de l'État et publiée par la voie du "Moniteur."

Donné à Ostende, le 7 Septembre, 1893.

(L.S.) LÉOPOLD.

(4.)

LÉOPOLD II, Roi des Belges, à tous présents et à venir, Salut.

Les Chambres ont adopté, dans les conditions prescrites par l'Article 131 de la Constitution, et nous sanctionnons, ce qui suit :—

L'Article 48 de la Constitution est remplacé par la disposition suivante :

La constitution des collèges électoraux est, pour chaque province, réglée par la loi.

Le vote est obligatoire et a lieu à la commune, sauf les exceptions à déterminer par la loi.

Promulguons la présente disposition, ordonnons qu'elle soit revêtue de sceau de l'État et publiée par la voie du "Moniteur."

Donné à Ostende, le 7 Septembre, 1893.

(L.S.) LÉOPOLD.

(5.)

LÉOPOLD II, Roi des Belges, à tous présents et à venir, Salut.

Les Chambres ont adopté, dans les conditions prescrites par l'Article 131 de la Constitution, et nous sanctionnons, ce qui suit :—

L'Article 52 de la Constitution est remplacé par la disposition suivante :

Chaque membre de la Chambre des Représentants jouit d'une indemnité annuelle de 4,000 fr.

Il a droit en outre au libre parcours sur les lignes des chemins de fer de l'État et au parcours gratuit sur les lignes des chemins de fer concédés, du lieu de sa résidence à la ville où se tient la session.

Promulguons la présente disposition, ordonnons qu'elle soit revêtue du sceau de l'État et publiée par la voie du "Moniteur."

Donné à Ostende, le 7 Septembre, 1893.

(L.S.) LÉOPOLD.

(6.)

LÉOPOLD II, Roi des Belges, à tous présents et à venir, Salut.

Les Chambres ont adopté, dans les conditions prescrites par l'Article 131 de la Constitution, et nous sanctionnons, ce qui suit :—

L'Article 53 de la Constitution est remplacé par la disposition suivante :

Le Sénat se compose :

1. De membres élus, à raison de la population de chaque province, conformément à l'Article 47 ; toutefois la loi peut exiger que les électeurs soient âgés de 30 ans accomplis. Les dispositions de l'Article 48 sont applicables à l'élection de ces Sénateurs ;

2. De membres élus par les Conseils Provinciaux, au nombre de deux par province ayant moins de 500,000 habitants, de trois par province ayant de 500,000 à 1,000,000 d'habitants, et de quatre par province ayant plus de 1,000,000 d'habitants.

Promulguons la présente disposition, ordonnons qu'elle soit revêtue du sceau de l'État et publiée par la voie du " Moniteur."

Donné à Ostende, le 7 Septembre, 1893.

(L.S.) LÉOPOLD.

(7.)

LÉOPOLD II, Roi des Belges, à tous présents et à venir, Salut.

Les Chambres ont adopté, dans les conditions prescrites par l'Article 131 de la Constitution, et nous sanctionnons, ce qui suit :—

L'Article 54 de la Constitution est remplacé par la disposition suivante :

Le nombre des Sénateurs élus directement par le corps électoral est égal à la moitié du nombre des membres de la Chambre des Représentants.

Promulguons la présente disposition, ordonnons qu'elle soit revêtue du sceau de l'État et publiée par la voie du " Moniteur."

Donné à Ostende, le 7 Septembre, 1893.

(L.S.) LÉOPOLD.

(8.)

LÉOPOLD II, Roi des Belges, à tous présents et à venir, Salut.

Les Chambres ont adopté, dans les conditions prescrites par l'Article 131 de la Constitution, et nous sanctionnons, ce qui suit :—

L'Article 56 de la Constitution est remplacé par les dispositions suivantes :

Article 56. Pour pouvoir être élu et rester Sénateur, il faut—

1. Être Belge de naissance ou avoir reçu la grande naturalisation ;
2. Jouir des droits civils et politiques ;
3. Être domicilié en Belgique ;
4. Être âgé au moins de 40 ans ;
5. Verser au Trésor de l'État au moins 1,200 fr. d'impositions directes, patentes comprises ;

Ou être soit propriétaire, soit usufruitier d'immeubles situés en Belgique dont le revenu cadastral s'élève au moins à 12,000 fr.

Dans les provinces où le nombre de ces éligibles n'atteint pas la proportion de 1 sur 5,000 habitants, la liste est complétée par les plus imposés de la province jusqu'à concurrence de cette proportion. Les citoyens portés sur la liste complémentaire ne sont éligibles que dans la province où ils sont domiciliés.

Article 56 *bis*. Les Sénateurs élus par les Conseils Provinciaux sont dispensés de toute condition de cens ; ils ne peuvent appartenir à l'assemblée qui les élit ni en avoir fait partie pendant l'année de l'élection ou pendant les deux années antérieures.

Promulguons les présentes dispositions, ordonnons qu'elles soient revêtues du sceau de l'État et publiées par la voie du "Moniteur."

Donné à Ostende, le 7 Septembre, 1893.

(L.S.) LÉOPOLD.

(9.)

LÉOPOLD II, Roi des Belges, à tous présents et à venir, Salut.

Les Chambres ont adopté, dans les conditions prescrites par l'Article 131 de la Constitution, et nous sanctionnons, ce qui suit :—

L'Article 58 de la Constitution est remplacé par la disposition suivante :

Les fils du Roi ou, à leur défaut, les Princes Belges de la branche de la Famille Royale appelée à régner sont de droit Sénateurs à l'âge de 18 ans. Ils n'ont voix délibérative qu'à l'âge de 25 ans.

Promulguons la présente disposition, ordonnons qu'elle soit revêtue du sceau de l'État et publiée par la voie du "Moniteur."

Donné à Ostende, le 7 Septembre, 1893.

(L.S.) LÉOPOLD.

(10.)

LÉOPOLD II, Roi des Belges, à tous présents et à venir, Salut.

Les Chambres ont adopté, dans les conditions prescrites par l'Article 131 de la Constitution, et nous sanctionnons, ce qui suit :—

L'Article 60 de la Constitution est remplacé par la disposition suivante :

Les pouvoirs constitutionnels du Roi sont héréditaires dans la descendance directe, naturelle et légitime de Sa Majesté Léopold-Georges-Chrétien-Frédéric de Saxe-Cobourg, de mâle en mâle, par ordre de primogéniture et à l'exclusion perpétuelle des femmes et de leur descendance.

Sera déchu de ses droits à la couronne le Prince qui se serait marié sans le consentement du Roi ou de ceux qui, à son défaut, exercent ses pouvoirs dans les cas prévus par la Constitution.

Toutefois il pourra être relevé de cette déchéance par le Roi ou par ceux qui, à son défaut, exercent ses pouvoirs dans les cas prévus par la Constitution, et ce moyennant l'assentiment des deux Chambres.

Promulguons la présente disposition, ordonnons qu'elle soit revêtue du sceau de l'État et publiée par la voie du " Moniteur."

Donné à Ostende, le 7 Septembre, 1893.

(L.S.) LÉOPOLD.

(11.)

LÉOPOLD II, Roi des Belges, à tous présents et à venir, Salut.

Les Chambres ont adopté, dans les conditions prescrites par l'Article 131 de la Constitution, et nous sanctionnons, ce qui suit :—

L'Article 61 de la Constitution est remplacé par la disposition suivante :

A défaut de descendance masculine de Sa Majesté Léopold-Georges-Chrétien-Frédéric de Saxe-Cobourg, le Roi pourra nommer son successeur, avec l'assentiment des Chambres, émis de la manière prescrite par l'Article suivant.

S'il n'y a pas eu de nomination faite d'après le mode ci-dessus, le trône sera vacant.

Promulguons la présente disposition, ordonnons qu'elle soit revêtue du sceau de l'État et publiée par la voie du " Moniteur."

Donné à Ostende, le 7 Septembre, 1893.

(L.S.) LÉOPOLD.

CIRCULAR of the United States' Government, restricting the Killing of Fur-bearing Animals in Alaska.—Washington, March 2, 1893.

*Treasury Department, Office of the Secretary,
Washington, March 2, 1893.*

To Collectors and other Officers of the Customs, and
to Officers of the Revenue Marine :

SECTION 1956 of the Revised Statutes of the United States provides that no person shall, without the consent of the Secretary of the Treasury, kill any otter, mink, marten, sable, or fur-seal, or other fur-bearing animal within the limits of Alaska Territory, or in the waters thereof, and that any person convicted of a violation of that section shall, for each offence, be fined not less than 200 dollars, nor more than 1,000 dollars, or be imprisoned not more than six months, or both; and that all vessels, with their tackle, apparel, furniture, and cargo found engaged in violation of that section shall be forfeited.

No fur-bearing animal will be allowed to be killed by persons other than natives within the limits of Alaska Territory or in the waters thereof.

The killing by any one of fur-seals, except upon the Pribyloff Islands, by such party or parties as are permitted to do so, pursuant to the terms of a contract between the Government of the United States and such party or parties, is prohibited.

White men married to natives, and residing within the Territory, will not be entitled to the privilege of natives under this Order.

The use of rifles, shot-guns, or other fire-arms by the natives in killing sea-otter, or the use of nets in taking them, is hereby prohibited.

The master of any vessel having on board skins of otter, mink, marten, sable, fur-seal, or other fur-bearing animals taken in Alaska or Alaskan waters, before unlading the same, shall report to the Collector of Customs at the first port of arrival of such vessel in the United States, and shall file a manifest of such skins with said Collector.

Masters of vessels failing to comply with these Regulations will be considered as having violated the provisions of Section 1956 of the Revised Statutes, and will be liable to the penalties prescribed therein.

It will be the duty of the officers of the United States who may be in the localities where sea-otter, mink, marten, sable, or fur-seal,

or other fur-bearing animals are taken, or who may have knowledge of any such offence committed, to take all proper measures to enforce the penalties of the law against persons guilty of a violation thereof.

These Regulations supersede all others previously in force.

CHARLES FOSTER, *Secretary*.

CIRCULAR of the United States' Government, relating to the Inspection of Foreign Immigrants landed at the Ports of the Dominion of Canada.—Washington, October 7, 1893.

*Treasury Department, Office of the Secretary,
Washington, October 7, 1893.*

IN view of the Agreement between the various Steam-ship Companies in the Dominion of Canada, and the Secretary of the Treasury of the United States of America (copy attached hereto), the following Rules and Regulations governing the inspection and entry of immigrants into the United States through foreign contiguous territory are prescribed in accordance with Section 8 of the Act approved 3rd March, 1891,* entitled "An Act in amendment to the various Acts relative to immigration and the importation of aliens under contract or agreement to perform labour":—

1. That all foreign immigrants arriving in Canada destined to the United States shall be inspected at the following ports: Halifax, Nova Scotia, Quebec, Point Levis, Vancouver, and Victoria, and the holders of certificates, duly signed by the Commissioner of Immigration at any of the said ports, shall entitle the holders thereof to admittance into the United States without further examination by the customs or immigration officers at any of the customs ports along the border as to their right to enter, and to whom the said certificates must be presented and surrendered, which certificate must be as follows:—

(Form No. 1524.)

Under Department Circular No. 156 of 1893.

United States' Immigration Service,

189 .

IMMIGRANT CERTIFICATE.

THIS is to certify that _____, a native of _____, who arrived at the port of _____, per steam-ship _____, on the _____ day of _____, 189 _____, has been duly inspected and registered, and will be admitted into the United States upon presentation and surrender of this

certificate to any Customs or Immigration officer at the frontier. His description is as follows: Age, ; height, ; colour of hair, ; colour of eyes, .

Remarks.

, *Commissioner of Immigration.*

2. That the per capita tax provided for in said Agreement shall be paid to the United States' Commissioner of Immigration at the port of landing by the steam-ship company within twenty-four hours after arrival of immigrants.

3. All such moneys so collected shall be transmitted by said Commissioner to an Assistant Treasurer of the United States, to be deposited to the credit of the Treasurer of the United States on account of "Immigrant Fund," in the same manner as other miscellaneous collections are reported by Collectors of Customs of the United States. Statement of such receipts, under this Agreement, must be rendered monthly to the Secretary of the Treasury on forms to be furnished by the Government for that purpose.

4. Commissioners of Immigration shall give bond to the United States in the sum of 10,000 dollars, with sureties approved by the Secretary of the Treasury, conditioned for the faithful discharge of their duties and the remittance of above collections. They shall make monthly reports to the Superintendent of Immigration, and such other reports from time to time as he may require, upon blanks to be furnished by the Treasury Department, of all immigrants arriving at their stations destined to the United States. They shall have charge of all immigration officers at their respective stations, and shall utilize their services in all matters pertaining to immigration.

5. United States' officers charged with the execution of the Immigration Laws and Regulations along the border will, at the end of each month, and from time to time as may be required, report in writing to the Superintendent of Immigration, upon blanks to be prescribed, the number of immigrants passing through their respective districts, and the foreign ports at which landed.

6. Commissioners shall collect the per capita tax on all Chinese merchants and other persons of the exempt class destined to the United States, not citizens thereof, arriving at their stations, but shall not issue certificates entitling them to enter. The right of a Chinese to enter the United States must be, by law, determined by the Collector of Customs at the port of entry.

7. That the Immigration Regulations now in force under date of the 25th April, 1893, Treasury Doc. No. 1600, shall apply, in so far as it may be practicable, to the inspection of immigrants coming

through foreign contiguous territory destined to the United States.

J. G. CARLISLE, *Secretary.*

Articles of Agreement between the United States and Canadian Transportation Companies as to the Inspection of Immigrants.

IN consideration of the mutual benefits and advantages which shall ensue to the steam-ship, railway, and transportation companies of the Dominion of Canada and to the United States of America by the inauguration of immigrant inspection stations at the ports of landing in the said Dominion, for foreign immigrants destined to the said United States, by United States' Commissioners and Inspectors of Immigration, acting under the provisions of the United States' laws now in force or which may hereafter be enacted, so far as the same may be found applicable, and such rules and regulations as the Secretary of the Treasury of the United States may from time to time impose in virtue of the Act of Congress of the United States approved the 3rd March, 1893, the undersigned steam-ship, railway, and transportation companies, transporting immigrants to and within the said Dominion of Canada, parties of the first part, and Herman Stump, Superintendent of Immigration of the United States, of the second part, subject, however, to the approval and ratification of the Secretary of the Treasury of the United States, on behalf of the United States' Government, hereby agree—

1. That all immigrants destined for the United States shall be landed at the ports of Halifax, Quebec, Point Levis, Vancouver, or such other ports as may be authorized by the Canadian Government and advised to the party of the second part.

2. That all facilities in the way of accommodation, access to immigrants, and the keeping of immigrants apart from the public until after inspection shall be afforded to the immigrant inspectors of the United States at the ports of landing to enable them to make such inspection as is required by the laws of the United States.

3. That the United States' officers will inspect all immigrants destined for the United States at ports of landing as rapidly as possible, and will furnish a certificate or passport containing a personal description of said immigrant sufficient to identify him, signed by the officer making the inspection, which upon the Canadian frontier will entitle said immigrant to enter the United States without further examination or hindrance.

4. That the steam-ship companies shall supply the United States' inspectors at ports of landing prior to the disembarkation of immigrants a list of all immigrants, whether infant or adult, destined for the United States, containing the following information, viz.: Full name, age, sex, married or single, occupation, whether able to read or write, nationality, place of last residence and of embarkation and debarkation, destination, whether he has a through ticket or money to procure it, who paid his passage, whether going to join relatives, if so, who, and where he expects to find employment.

5. That the railway and transportation companies will not, nor will either of them, sell to any immigrant *en route* to any port of the United States a ticket for his transportation, or transport him in cars or vessels from the port of entry, until after he has exhibited his certificate or passport as herein provided, and

said railway and transportation companies will not knowingly transport any rejected or undesirable immigrant, or one who is by law prohibited from entering the United States, into its territory.

6. That for the purpose of defraying the expense to the United States' Government incident to said inspection, and for the care of such immigrants as may fall into distress or become a public charge in the United States, there shall be paid to an inspection officer at the port of landing, to be designated by the United States' Superintendent of Immigration, the sum of 50 cents for each immigrant admitted into the United States, to be paid by the transportation companies through the steam-ship company landing such immigrants, and this fee of 50 cents per capita shall be the only charge which shall be made for the admission of such immigrants to the United States. This provision to go into effect thirty days after approval and ratification of this Agreement.

7. That the word "immigrant," as used in this Agreement, shall be understood as meaning all persons who intend to remain in the United States who are not already residents or citizens of the United States.

8. That all parties to this Agreement shall in good faith perform all the obligations assumed by each as far as the same can be done without the violation of positive rights of others over whom they have no control and the laws of the Dominion of Canada and the United States.

9. That this Agreement shall take effect on the 15th day of September, 1893, or as soon thereafter as it is approved by the Secretary of the Treasury of the United States, and shall be subject to cancellation by either of the parties hereto on sixty days' written notice to the other party.

10. It is agreed on behalf of the Canadian Pacific Railway Company that Victoria, British Columbia, be added as one of the ports named in the first clause of the above Agreement.

CIRCULAR of the United States' Government, relative to the Maintenance and Deportation of Alien Immigrants.—Washington, November 29, 1893.

*Treasury Department, Bureau of Immigration,
Washington, November 29, 1893.*

THE attention of all concerned is called to the following instructions:—

Rule 1. All alien immigrants, before they are landed, shall be inspected and examined, as by law provided, on shipboard, or at a suitable place provided for the convenience of the owners of vessels transporting them, and the comfort of the immigrant, where they may be temporarily placed whilst undergoing such examination. During such time, and until finally discharged and landed, said immigrants shall be deemed and treated as on shipboard, and the owners, consignee, or master of the vessel transporting them shall be liable for all expenses incurred in lodging, feeding, and

caring for them, or said immigrants may be remanded on board ship, or taken on board ship, by the master thereof, who shall be responsible for their safe-keeping.

Rule 2. Upon arrival, all alien immigrants shall be inspected and examined without unnecessary delay. Those qualified to land shall be promptly discharged. Those detained for special inquiry shall have a speedy hearing, and be either discharged or ordered deported. If an appeal is prayed, the record of proceedings shall at once be transmitted to the Superintendent of Immigration at Washington. All expenses incurred in lodging, feeding, and maintaining alien immigrants during the period covered by these proceedings shall be borne by the steam-ship company, owners, or master of the vessel transporting them. No appeal shall be received or transmitted which is applied for after the immigrant has been transferred from the immigrant station to be deported.

Rule 3. Upon the arrival of an alien immigrant, helpless from sickness, physical disability, or infancy, who is detained for further inquiry, one person only (if necessary) shall be detained to look after and care for such helpless immigrant, the natural guardian, or a relative to be selected; the transportation company to be responsible for their maintenance whilst so detained. The remainder of the family (if any) shall proceed on their journey or defray their own expenses.

Rule 4. In case of an immigrant not qualified to land, but who would be entitled, upon proof of certain facts, such as the case of a woman who claims to have a husband, father, or brother residents in this country able and willing to support her, she may be detained a reasonable time until such husband, father, or brother can be communicated with; the transportation company to be responsible for her maintenance in such and like cases until a final decision is reached.

Rule 5. Immigrants qualified to land shall be promptly discharged and landed, and if they desire to wait for friends or remittances, they may be permitted to do so upon payment of all costs and expenses, which should not be charged to the transportation company. In cases where an immigrant qualified to land is unable, from accident or unavoidable circumstances, to immediately continue his journey, and is without sufficient means to defray the expenses of the enforced delay, the Commissioner of Immigration may, in his discretion, pay said expense, reporting said case to the Bureau of Immigration, with reasons for his action, and ask that such expense be paid out of the "Immigrant Fund."

Rule 6. That in case of the arrival of sick and disabled immigrants unable to travel, said immigrants shall be removed to

hospitals provided for their care, and shall be maintained at the expense of the owner or master of the vessel transporting them until sufficiently recovered either to be landed or deported, and whilst detained in hospital shall not be considered as landed until examined and discharged, or said immigrant shall remain on ship-board until able and ready to be landed or deported.

Rule 7. Any alien immigrant who shall come into the United States in violation of law may be returned, as by law provided, at any time within one year from the date of his arrival, at the expense of the person or persons, vessel, transportation company, or corporation bringing such alien; and any alien immigrant who shall become a public charge within one year after his arrival from causes existing prior to his landing may be returned at the expense of said above-named parties. The expense above mentioned shall include all expenses incurred for maintenance and transportation on land, after such cases are brought to the attention of the Bureau of Immigration, provided said Bureau, upon investigation, has ascertained the case to be one for deportation, and has so ordered.

Rule 8. Any immigrant who has been lawfully landed, and has become a public charge within one year from date of landing from accident or bodily ailment, or disease, or physical inability to earn a living, which is likely to be of a permanent character, shall be deported at the expense of the "Immigrant Fund," upon a proper case for relief being first established to the satisfaction of the Bureau of Immigration. Provided said pauper immigrant is delivered at a port designated by the Bureau of Immigration free of charge, and said "Immigrant Fund" shall be liable to pay any public or charitable institution fixed charges, agreed upon, for the care of any alien immigrant who has fallen into distress within and until the end of one year from the time of landing, and has become a public charge from above causes, from the date of notification to the Bureau of Immigration and establishment of said immigrant's right to relief.

Rule 9. Immigrants who are detained under Rules 4 and 6 (awaiting proofs, &c., or who are sick and in hospital) should pay for their own maintenance, and the transportation company shall be held only as security for the payment of subsistence and hospital expenses. Access to such immigrants shall be permitted to an agent of said transportation company to request payment thereof, and should said immigrants refuse or be unable to pay the same, it shall be a circumstance to be considered, upon arriving at a decision in his case, as to whether he may or may not be likely to become a public charge.

Rule 10. No charge for food, lodging, or maintenance, or for hospital attendance, medicines, or other expenses shall be made

in excess of the actual cost of furnishing the same, the intention being to make the service self-sustaining without profit.

HERMAN STUMP, *Superintendent of Immigration.*

Approved:

J. G. CARLISLE, *Secretary.*

ARRÊTÉ Royal Belge, sur l'Enregistrement International des Marques de Fabrique.—Laeken, le 23 Mai, 1893.

LÉOPOLD II, Roi des Belges, à tous présents et à venir, Salut.

Vu la Loi du 13 Juin, 1892, qui approuve l'Arrangement concernant l'enregistrement international des marques de fabrique ou de commerce signé à Madrid, le 14 Avril, 1891 ;

Vu la Loi du 5 Juillet, 1884, qui approuve la Convention conclue à Paris, le 20 Mars, 1883,* pour la protection de la propriété industrielle ;

Considérant qu'il importe de régler les formalités à remplir pour l'enregistrement international des marques de fabrique ou de commerce déposées dans le pays ;

Sur la proposition de notre Ministre des Affaires Étrangères et de notre Ministre de l'Agriculture, de l'Industrie, et des Travaux Publics :

Nous avons arrêté et arrêtons :

ART. 1^{er}. Toute personne domiciliée en Belgique ou y possédant un établissement industriel ou commercial, propriétaire d'une marque de fabrique ou de commerce déposée conformément à la Loi du 1^{er} Avril, 1879, et à l'Arrêté du 7 Juillet, 1879, pris en exécution de cette Loi, qui veut s'assurer la protection de cette marque dans les États qui ont adhéré à l'Arrangement du 14 Avril, 1891, concernant l'enregistrement international des marques de fabrique ou de commerce, adressera au Ministère de l'Agriculture, de l'Industrie, et des Travaux Publics, Direction de l'Industrie, Service de la Propriété Industrielle :—

(1.) Une demande d'enregistrement, en double exemplaire, dressée sur formulaire officiel.

Cette demande devra mentionner les nom, profession, et adresse du propriétaire de la marque, le numéro d'ordre, et la date de l'enregistrement de cette marque en Belgique.

(2.) Un modèle en double exemplaire de la marque, séparé de la demande d'enregistrement.

Ce modèle, dressé sur papier libre, devra être tracé dans un

cadre qui ne pourra dépasser 8 centim. de haut sur 10 centim. de large.

(3.) Un cliché de la marque pour la reproduction typographique de cette dernière dans la publication qui en sera faite par le Bureau International.

Ce cliché doit reproduire exactement la marque enregistrée en Belgique, de telle manière que tous les détails en ressortent visiblement ; il ne doit pas avoir moins de 15 millim. ni plus de 10 centim., soit en longueur, soit en largeur.

L'épaisseur exacte du cliché doit être de 24 millim., correspondant à la hauteur des caractères d'imprimerie.

(4.) Une quittance, délivrée par un receveur de l'enregistrement, constatant le versement d'une somme de 100 fr.

(5.) Une procuration, si la demande d'enregistrement est faite par un mandataire. Cette procuration pourra être sous seing privé, mais elle devra être enregistrée.

Les formulaires pour demandes d'enregistrement sont délivrés gratuitement par le Ministère de l'Agriculture, de l'Industrie, et des Travaux Publics, Direction de l'Industrie, Service de la Propriété Industrielle.

Les demandes incomplètes ou irrégulières seront retournées immédiatement.

2. Aussitôt après leur admission par le Ministère de l'Agriculture, de l'Industrie, et des Travaux Publics, les demandes d'enregistrement international seront transmises au Bureau International de la Propriété Industrielle à Berne.

3. Dès que le Bureau International de la Propriété Industrielle à Berne aura notifié au Ministère de l'Agriculture, de l'Industrie, et des Travaux Publics l'enregistrement international d'une marque Belge, avis en sera donné au requérant, qui recevra en même temps un exemplaire du certificat d'enregistrement signé par le Bureau International.

4. Si une marque a fait l'objet d'une cession, et si les intéressés en font la demande, le Service de la Propriété Industrielle du Ministère de l'Agriculture, de l'Industrie, et des Travaux Publics donnera avis de cette transmission au Bureau International de la Propriété Industrielle à Berne, pourvu que les formalités prescrites par l'Article 7 de la Loi du 1^{er} Avril, 1879, et par l'Article 9 de l'Arrêté du 7 Juillet, 1879, aient été observées.

5. Les annulations de marques, en vertu d'une décision judiciaire, dont les greffiers auront, conformément à l'Article 10 de l'Arrêté Royal du 7 Juillet, 1879, donné avis au Ministère de l'Agriculture, de l'Industrie, et des Travaux Publics, seront notifiées par le Service Spécial de la Propriété Industrielle au Bureau International.

6. Notre Ministre des Affaires Étrangères et notre Ministre de

l'Agriculture, de l'Industrie, et des Travaux Publics sont chargés de l'exécution du présent Arrêté.

Donné à Laeken, le 23 Mai, 1893.

LÉOPOLD.

Par le Roi :

COMTE DE MERODE-WESTERLOO, *Ministre
des Affaires Étrangères.*

LÉON DE BRUYN, *Ministre de l'Agriculture,
de l'Industrie, et des Travaux Publics.*

*DECREE of the President of the French Republic, relative to
Trade-Marks, Patents, &c., in Indo-China.—Paris, June 24,
1893.*

LE Président de la République Française,

Vu l'Article 51 de la Loi du 5 Juillet, 1844, sur les brevets d'invention ;

Vu la Loi du 15 Juin, 1885, approuvant le Traité passé le 6 Juin, 1884,* à Hué, entre le Gouvernement de la République Française et celui de Sa Majesté le Roi d'Annam ;

Vu la Loi du 17 Juillet, 1885, ratifiant la Convention conclue entre la France et le Cambodge, le 17 Juin, 1884,† pour régler les rapports respectifs des deux pays ;

Vu l'Article 18 du Sénatus-Consulte du 3 Mai, 1854 ;

Sur le rapport du Ministre du Commerce, de l'Industrie et des Colonies ;

Décète :

ART. 1^{er}. La Loi du 5 Juillet, 1844, sur les brevets d'invention :

La Loi du 31 Mai, 1856, qui modifie l'Article 32 de la Loi précitée du 5 Juillet, 1844 :

La Loi du 23 Mai, 1868, relative à la garantie des inventions susceptibles d'être brevetées et des dessins de fabrique admis aux expositions publiques :

Sont applicables en Indo-Chine Française, sous la réserve des modifications suivantes.

2. Quiconque voudra prendre en Indo-Chine un brevet d'invention devra déposer, en triple expédition, les pièces exigées par l'Article 5 de la Loi du 5 Juillet, 1844, dans les bureaux du Secrétariat-Général de la Cochinchine, à Saïgon, et dans ceux de la résidence supérieure :—

Au Cambodge, à Pnom-Penh ;

En Annam, à Hué ;

Au Tonkin, à Hanoï.

* Vol. LXXV, page 100.

† Vol. LXXV, page 992.

Le procès-verbal constatant ce dépôt sera dressé sur un registre à ce destiné, et signé par le Secrétaire-Général ou le Résident Supérieur, d'une part, et le demandeur, de l'autre, conformément à l'Article 7 de la dite Loi.

3. Avant de procéder à la rédaction du procès-verbal de dépôt, le Secrétaire-Général ou le Résident Supérieur se fera représenter—

(1.) Le récépissé constatant le versement au Trésor de la somme de 100 fr. pour la première annuité de la taxe ;

(2.) Chacune des pièces, en triple expédition, énoncées aux paragraphes 1, 2, 3, et 4 de l'Article 5 de la Loi du 5 Juillet, 1844.

Une expédition de chacune de ces pièces restera déposée sans cachet dans les bureaux du Secrétariat-Général ou de la Résidence Supérieure, pour y recourir au besoin. Les deux autres expéditions seront enfermées dans une seule enveloppe scellée et cachetée par le déposant.

4. Aussitôt après l'enregistrement des demandes, le Gouverneur-Général de l'Indo-Chine devra, dans les trente jours de la date du dépôt, transmettre au Département du Commerce et de l'Industrie, par l'entremise du Ministre chargé des Colonies, l'enveloppe cachetée contenant les deux expéditions dont il s'agit, en y joignant une copie certifiée du procès-verbal, le récépissé du versement de la première annuité de la taxe, et, le cas échéant, le pouvoir du mandataire.

5. Les brevets délivrés seront transmis, dans le plus bref délai, aux titulaires, par l'entremise du Ministre chargé des Colonies.

6. L'enregistrement des cessions de brevets dont il est parlé en l'Article 20 de la Loi du 5 Juillet, 1844, devra s'effectuer dans les bureaux du Secrétariat-Général ou de la Résidence Supérieure.

Les expéditions des procès-verbaux d'enregistrement, accompagnées des extraits authentiques d'actes de cession et des récépissés de la totalité de la taxe, seront transmises au Ministre du Commerce et de l'Industrie, conformément à l'Article 4 du présent Décret.

7. Les taxes prescrites par les Articles 4, 7, 11, et 22 de la Loi du 5 Juillet, 1844, seront versées entre les mains du Trésorier-payeur, qui devra faire opérer le versement au Trésor public et transmettre au Ministre du Commerce et de l'Industrie, par la même voie, l'état des recouvrements des taxes.

8. Les actions pour délits de contrefaçon seront jugées par les Tribunaux Correctionnels de l'Indo-Chine.

Le délai des distances fixé par l'Article 48 de la dite Loi sera modifié conformément aux textes qui régissent en Indo-Chine la procédure en matière civile.

9. En général, les attributions conférées aux préfets et aux sous-préfets par les Lois susvisées des 5 Juillet, 1844, 31 Mai, 1856, et 23 Mai, 1868, seront exercées : en Cochinchine, par le Secrétaire-Général ; au Cambodge, en Annam, et au Tonkin, par le Résident Supérieur.

10. Le Ministre du Commerce, de l'Industrie et des Colonies est chargé de l'exécution du présent Décret, qui sera inséré au "Journal Officiel" de la République Française, au "Bulletin Officiel" de l'Administration des Colonies, et au "Journal Officiel" de l'Indo-Chine Française.

Fait à Paris, le 24 Juin, 1893.

CARNOT.

Par le Président de la République :
TERRIER, *Ministre du Commerce, de l'Industrie,
et des Colonies.*

*DECREE of the President of the French Republic, relative to
Foreign Medical Diplomas.—Marly-le-Roi, July 25, 1893.*

LE Président de la République Française,
Sur le rapport du Ministre de l'Instruction Publique, des Beaux-Arts et des Cultes ;

Vu l'Article 5 de la Loi du 30 Novembre, 1892 ;

Vu la Loi du 27 Février, 1880 ;

Le Conseil Supérieur de l'Instruction Publique entendu ;

Décède :

Art. 1^{er}. Les médecins pourvus d'un diplôme étranger qui postulent le grade de docteur en médecine peuvent obtenir dispense partielle ou totale des inscriptions et dispense partielle des examens exigés pour ce grade.

2. La dispense d'examens ne peut en aucun cas porter sur plus de trois épreuves.

3. Les dispenses sont accordées par le Ministre de l'Instruction Publique après avis de la faculté compétente et du Comité Consultatif de l'enseignement public.

4. Le Ministre de l'Instruction Publique, des Beaux-Arts et des Cultes est chargé de l'exécution du présent Décret.

Fait à Marly-le-Roi, le 25 Juillet, 1893.

CARNOT.

Par le Président de la République :
R. POINCARÉ, *Ministre de l'Instruction Publique,
des Beaux-Arts, et des Cultes.*

*DECREE of the President of the French Republic, on the
Subject of Midwives.—Marly-le-Roi, July 25, 1893.*

LE Président de la République Française,

Sur le rapport du Ministre de l'Instruction Publique, des Beaux-Arts et des Cultes,

Vu le Règlement, en date du 11 Messidor, an X, relatif aux cours d'accouchements de l'Hospice de la Maternité de Paris ;

Vu le Titre V de la Loi du 19 Ventôse, an XI ;

Vu le paragraphe 7 de l'Arrêté des Consuls, en date du 20 Prairial, an XI ;

Vu le Règlement Général pour l'école d'accouchements établie à l'Hospice de la Maternité de Paris, en date du 8 Novembre, 1810 ;

Vu l'Ordonnance, en date du 13 Octobre, 1840, portant organisation des écoles préparatoires de médecine et de pharmacie ;

Vu l'Arrêté, en date du 19 Août, 1845, qui détermine les conditions exigées des élèves sages-femmes pour être admises aux cours ;

Vu le Règlement du 23 Décembre, 1854, relatif à la réception des praticiens du second ordre ;

Vu les Circulaires des 23 Juin, 16 Octobre, 1856, et 19 Août, 1857, relatives à l'échange du certificat de capacité contre le diplôme de sage-femme de 1^{re} ou de 2^e classe ;

Vu le Décret du 14 Juillet, 1875, portant organisation des écoles de plein exercice de médecine et de pharmacie ;

Vu l'Arrêté du 1^{er} Août, 1879, relatif à l'examen que doivent subir les aspirantes au titre d'élève sage-femme de 1^{re} classe ;

Vu la Circulaire du 13 Juin, 1888 ;

Vu la Loi du 27 Février, 1880 ;

Vu les Articles 3, 5, et 25 de la Loi du 30 Novembre, 1892 ;

Le Conseil Supérieur de l'Instruction Publique entendu,

Décède :

ART. 1^{er}. Les études en vue de l'obtention des diplômes de sage-femme durent deux années.

Elles sont théoriques et pratiques.

2. La première année d'études pour le diplôme de 1^{re} classe peut être faite dans une faculté, dans une école de plein exercice, dans une école préparatoire de médecine et de pharmacie, ou dans une maternité.

La seconde est nécessairement faite dans une faculté ou dans une école de plein exercice de médecine et de pharmacie.

3. Les deux années d'études pour le diplôme de 2^e classe peuvent être faites dans une faculté, dans une école de plein exer-

cice, dans une école préparatoire de médecine et de pharmacie, ou dans une maternité.

4. Les aspirantes au diplôme de sage-femme subissent deux examens :

Le premier, à la fin de la première année ; il porte sur l'anatomie, la physiologie et la pathologie élémentaire ;

Le second, à la fin de la deuxième année ; il porte sur la théorie et la pratique des accouchements.

Les élèves ajournées par les jurys des facultés ou par les jurys des écoles à la session de Juillet-Août sont admises à renouveler l'examen dans une session qui sera ouverte à cet effet à la fin du mois d'Octobre suivant.

A la suite de ce dernier examen le diplôme est conféré, s'il y a lieu, dans les formes établies.

5. Le premier examen des aspirantes au diplôme de 1^{re} classe peut avoir lieu devant la faculté ou école où a été faite la première année d'études ; si cette année d'études a été faite dans une maternité, l'examen a lieu indifféremment devant une faculté, une école de plein exercice ou une école préparatoire de médecine et de pharmacie.

Le deuxième examen ne peut avoir lieu que devant l'établissement où a été faite la deuxième année d'études.

Les examens pour le diplôme de 2^e classe ont lieu devant une faculté ou une école de plein exercice, ou une école préparatoire de médecine et de pharmacie.

Lorsque les examens ont lieu devant une école, le jury est composé de deux Professeurs de l'École, présidés par un Professeur ou un Agrégé de Faculté.

6. Les aspirantes au diplôme de sage-femme se font inscrire dans les facultés ou dans les écoles de médecine, du 1^{er} au 15 Octobre de chaque année.

Passé ce délai, aucune inscription n'est admise.

7. En se faisant inscrire dans une faculté, dans une école de médecine ou dans une maternité, les aspirantes au diplôme de sage-femme déposent les pièces suivantes :—

(1.) Un extrait de leur acte de naissance constatant qu'elles ont l'âge requis par les règlements ;

(2.) Si elles sont mineures non mariées, l'autorisation de leur père ou tuteur ;

(3.) Si elles sont mariées et non séparées de corps, l'autorisation de leur mari et leur acte de mariage ;

(4.) En cas de séparation de corps l'extrait du jugement passé en force de chose jugée ;

(5.) En cas de dissolution du mariage, l'acte de décès du mari ou l'acte constatant le divorce ;

(6.) Un certificat de vaccine ;

(7.) Un certificat de bonnes vie et mœurs ;

(8.) Un extrait du casier judiciaire ;

(9.) Pour le diplôme de sage-femme de 1^{re} classe, le brevet de capacité élémentaire de l'enseignement primaire ;

Pour le diplôme de sage-femme de 2^e classe, le certificat obtenu à la suite de l'examen prévu par l'Arrêté du 1^{er} Août, 1879.

8. Les sages-femmes reçues à l'étranger devront subir les examens prévus au présent Décret.

Elles pourront obtenir dispense partielle ou totale de la scolarité.

9. Le présent Décret recevra son effet à dater du 1^{er} Octobre, 1893.

Cependant les aspirantes au diplôme de sage-femme de 1^{re} classe qui ne seraient pas pourvues du brevet de capacité élémentaire de l'enseignement primaire pourront, pendant une période de trois années, du 1^{er} Octobre, 1893, au 1^{er} Octobre, 1896, exclusivement, présenter le certificat obtenu à la suite de l'examen prévu par l'Arrêté du 1^{er} Août, 1879.

Il n'est rien modifié aux conditions actuelles d'admission aux grades des élèves de la Maternité de Paris.

10. Les dispositions antérieures contraires à celles du présent Décret sont et demeurent abrogées.

11. Le Ministre de l'Instruction Publique, des Beaux-Arts et des Cultes est chargé de l'exécution du présent Décret.

Fait à Marly-le-Roi, le 25 Juillet, 1893.

CARNOT.

Par le Président de la République :

R. POINCARÉ, *Ministre de l'Instruction Publique,
des Beaux-Arts, et des Cultes.*

*DECREE of the President of the French Republic, regulating
the Grant of Diplomas as Surgeon-Dentist.—Marly-le-Roi,
July 25, 1893.*

LE Président de la République Française,

Sur le rapport du Ministre de l'Instruction Publique, des Beaux-Arts et des Cultes,

Vu la Loi du 30 Novembre, 1892, et notamment les Articles 2 et 5 ;

Vu la Loi du 27 Février, 1880 ;

Le Conseil Supérieur de l'Instruction Publique entendu,

Décrète :

ART. 1^{er}. Les études en vue du diplôme de chirurgien-dentiste ont une durée de trois ans.

2. Les aspirants doivent produire, pour prendre leur première inscription, soit un diplôme de bachelier, soit le certificat d'études prévu par le Décret du 30 Juillet, 1886, modifié par le Décret du 25 Juillet, 1893, soit le certificat d'études primaires supérieures.

3. Ils subissent, après la douzième inscription, trois examens sur les matières suivantes :

1^{er} *Examen.*

Éléments d'anatomie et de physiologie ;
Anatomie et physiologie spéciales de la bouche.

2^e *Examen.*

Éléments de pathologie et de thérapeutique ;
Pathologie spéciale de la bouche ;
Médicaments ; anesthésiques.

3^e *Examen.*

Clinique ; affections dentaires et maladies qui y ont liées ; opérations.

Exécution d'une pièce de prothèse dentaire.

4. Les examens sont subis au siège des facultés et écoles de médecine où l'enseignement dentaire est organisé, devant un jury de trois membres.

Peuvent faire partie du jury des chirurgiens-dentistes, et, par mesure transitoire, des dentistes désignés par le Ministre de l'Instruction Publique.

Le jury est présidé par un Professeur de Faculté de Médecine.

5. Les dentistes inscrits au rôle des patentes au 1^{er} Janvier, 1892, peuvent postuler le diplôme de chirurgien-dentiste à la seule condition de subir les examens prévus par l'Article 3 du présent Décret.

Les dentistes de nationalité Française, inscrits à ce rôle antérieurement au 1^{er} Janvier, 1889, sont dispensés en outre du premier examen.

Les dentistes pourvus, antérieurement au 1^{er} Novembre, 1893, d'un diplôme délivré par l'une des écoles d'enseignement dentaire existant en France à la date du présent Décret, peuvent postuler le diplôme de chirurgien-dentiste à la seule condition de subir le deuxième examen.

6. Les dentistes reçus à l'étranger et qui voudront exercer en

France seront tenus de subir les examens prévus au présent Décret.

Ils pourront obtenir dispense partielle ou totale de la scolarité, après avis du Comité Consultatif de l'Enseignement Public.

7. Un Règlement Spécial, rendu après avis de la section permanente du Conseil Supérieur de l'Instruction Publique, organisera l'enseignement dans celles des facultés et écoles de médecine où il pourra être établi.

8. Le Ministre de l'Instruction Publique, des Beaux-Arts et des Cultes est chargé de l'exécution du présent Décret.

Fait à Marly-le-Roi, le 25 Juillet, 1893.

CARNOT.

Par le Président de la République :

R. POINCARÉ, *Ministre de l'Instruction Publique,
des Beaux-Arts, et des Cultes.*

DECREE of the President of the French Republic, respecting the Registration of Trade-Marks abroad.—Paris, April 25, 1893.

LE Président de la République Française,

Sur le rapport du Ministre du Commerce, de l'Industrie, et des Colonies, et du Ministre des Finances ;

Vu l'Article VIII de l'Arrangement concernant l'enregistrement international des marques de fabrique et de commerce, conclu entre la Belgique, l'Espagne, la Suisse, la Tunisie, et la France, et signé à Madrid le 14 Avril, 1891, lequel est ainsi conçu—

“ L'Administration des pays d'origine fixera à son gré et percevra à son profit une taxe qu'elle réclamera du propriétaire de la marque dont l'enregistrement international est demandé ; ”

Vu la Loi du 13 Avril, 1892, et le Décret du 15 Juillet suivant ;

Vu le Décret du 17 Décembre, 1892 ;

Décède :

ART. 1^{er}. Toute personne domiciliée en France, propriétaire d'une marque de fabrique et de commerce déposée conformément aux dispositions des Lois du 23 Juin, 1857, et 3 Mai, 1890, et du Décret réglementaire du 27 Février, 1891, qui désirera s'assurer dans les autres États la protection de cette marque par application de l'Arrangement ci-dessus visé du 14 Avril, 1891, devra verser à Paris, à la caisse du receveur central de la Seine et, dans les départements,

aux caisses des trésoriers-payeurs généraux ou des receveurs particuliers des finances, une somme de 25 fr., dont elle adressera le récépissé au Ministre du Commerce, de l'Industrie, et des Colonies, avec les pièces suivantes :—

(1.) Une requête en vue d'obtenir l'enregistrement de la dite marque au Bureau International de la Propriété Industrielle à Berne ;

(2.) Trois exemplaires de la marque conformes au modèle déposé conformément à l'Article 3 du Décret du 27 Février, 1891, portant règlement d'administration publique pour l'exécution de la Loi du 23 Juin, 1857, modifiée par celle du 3 Mai, 1890 ;

(3.) Un cliché typographique de la marque ;

(4.) Un mandat postal de 100 fr. au nom du Bureau International de la Propriété Industrielle à Berne ;

(5.) Une procuration spéciale dûment enregistrée, si la demande d'enregistrement est faite par un fondé de pouvoirs.

2. Le Décret du 17 Décembre, 1892, est et demeure rapporté.

3. Le Ministre du Commerce, de l'Industrie, et des Colonies, et le Ministre des Finances, sont chargés, chacun en ce qui le concerne, de l'exécution du présent Décret, qui sera publié au "Journal Officiel," et inséré au "Bulletin des Lois."

Fait à Paris, le 25 Avril, 1893.

CARNOT.

Par le Président de la République :

TERRIER, *Ministre du Commerce, de l'Industrie,
et des Colonies.*

P. PEYTRAL, *Ministre des Finances.*

*DECREE of the President of the French Republic, relative to
Merchant Shipping.—Marly-le-Roi, July 25, 1893.*

LE Président de la République Française,
Sur le rapport des Ministres de la Marine, du Commerce, de
l'Industrie et des Colonies, des Finances, et des Travaux Publics ;
Vu la Loi du 30 Janvier, 1893,* sur la marine marchande ;
Le Conseil d'État entendu,

Décérète :

TITRE I.—*Jauge des Bâtiments.*

ART. 1^{er}. La jauge brute totale d'après laquelle sont déterminées les primes à la construction et à la navigation est calculée conformé-

ment aux Articles 1^{er} à 12 du Décret du 24 Mai, 1873, et 1^{er} du Décret du 7 Mars, 1889.

Pour les navires munis d'un water-ballast s'étendant dans les fonds, le creux, pour les sections correspondant au water-ballast, est mesuré de la manière suivante :—

(1.) Si les varangues existent à leur hauteur ordinaire dans l'intérieur du water-ballast, la hauteur ou le creux pour le tonnage, dans chaque section considérée, est le creux mesuré, conformément à l'Article 4 du Décret du 24 Mai, 1873, au-dessus du plafond du water-ballast, augmenté de la hauteur de ce plafond au-dessus de la varangue ;

(2.) Si les varangues sont surélevées jusqu'au plafond du water-ballast, de sorte que ce plafond repose sur leur partie supérieure, on mesure—

Le creux au-dessus du plafond du water-ballast dans la section considérée	<i>q</i>
La hauteur de ce plafond au-dessus de la quille dans la section considérée	<i>d</i>
La largeur du navire en dehors des membrures au maître bau ..	<i>B</i>
Le creux total au-dessus de la quille de la partie supérieure des barrots du pont de construction le plus élevé, dans l'axe du navire et au milieu de sa longueur	<i>C</i>
La hauteur ou le creux, pour le tonnage, dans chaque section considérée, est alors donnée par la formule :	

$$h = q + d - 0.03 (B + C).$$

Il ne sera pas tenu compte, dans le calcul de la jauge, des déductions prévues aux deux derniers alinéas de l'Article 11 du Décret du 24 Mai, 1873.

2. La jauge brute totale, calculée conformément à l'Article 1^{er} ci-dessus, est, en vue de la liquidation des primes et dès la première demande formée par le constructeur ou l'armateur, mentionnée dans l'acte de francisation du navire sous le titre : "Tonnage spécial pour la liquidation des primes prévues par la Loi du 30 Janvier, 1893."

TITRE II.—*Primes à la Construction.*

3. Le tonnage brut total des navires neufs pour lesquels la prime à la construction est demandée est certifié par le receveur des douanes du port de construction.

Le certificat constate que le navire est de construction Française et indique la catégorie à laquelle il appartient.

Pour les navires neufs destinés à la marine marchande Française, le certificat est dressé au moment de la francisation.

Pour les navires neufs destinés aux marines marchandes de

l'étranger, le certificat est dressé, après qu'il a été procédé aux mêmes opérations de jaugeage que pour les navires Français, au moment de la délivrance du permis de sortie.

Pour les navires Français transformés, les accroissements de jauge brute totale sont certifiés dans la même forme par le receveur des douanes du port de réparation.

4. Le poids des machines motrices et des appareils auxiliaires, des chaudières à vapeur et de leur tuyautage, celui des parties neuves destinées aux machines qui subiraient des transformations ou des réparations pendant l'existence du navire, est certifié au lieu de construction par les officiers du génie maritime chargés, pour la marine militaire, de la surveillance des usines, et par les agents placés sous leurs ordres, délégués à cet effet, ou, à leur défaut, par les ingénieurs des mines désignés par le Ministre des Travaux Publics, sur la demande du Ministre des Finances, et par les contrôleurs placés sous leurs ordres.

Les constructeurs doivent mettre à la disposition des ingénieurs et agents le personnel et le matériel nécessaires pour les pesées.

Le receveur des douanes du port de construction ou de réparation s'assure, lors de l'arrivée des machines ou parties de machines à pied d'œuvre, de leur identité avec les objets pesés à l'usine. Il certifie, après leur mise en place, l'emploi qu'elles ont reçu.

5. Il est institué dans chaque arrondissement maritime, et à Paris pour les navires construits dans les chantiers de l'intérieur, une ou plusieurs commissions techniques composées chacune d'un officier de marine, d'un officier du génie maritime et d'un représentant de l'administration des douanes, chargées de procéder aux vérifications prévues par le dernier paragraphe de l'Article 4 de la Loi du 30 Janvier, 1893.

Cette Commission emploie tous les moyens d'investigation qui lui paraissent nécessaires ; si elle en reconnaît l'utilité, elle visite les navires et fait au besoin procéder à des essais.

Elle dresse procès-verbal du résultat de ces vérifications.

6. Pour les bâtiments de mer qui doivent être livrés à l'étranger, la Commission prévue à l'Article précédent s'assure que le navire n'est pas construit en vue du service de la marine de guerre.

7. Le certificat prévu par l'Article 3 ci-dessus, accompagné du procès-verbal dressé en exécution de l'Article 5 et de l'Article 6, en ce qui concerne les navires construits pour l'étranger, et visé par le Directeur-Général des Douanes, après contrôle des résultats du jaugeage, sert de base à la liquidation de la prime due au constructeur du navire.

Le certificat prévu à l'Article 4, accompagné d'un extrait du même procès-verbal et visé également par le Directeur-Général des Douanes, sert de base à la liquidation de la prime due au constructeur

des machines ou des parties neuves employées aux réparations ou transformations des machines.

Il n'est pas tenu compte, dans la liquidation, des poids ou fractions de poids inférieurs à 100 kilog.

TITRE III.—*Évaluation des Distances de Port à Port.*

8. Les primes de navigation sont calculées d'après les distances indiquées par le Tableau annexé au Décret du 6 Avril, 1882, et les additions à ce Tableau publiées depuis cette époque.

Pour les traversées non encore inscrites il sera établi des Tableaux complémentaires exécutoires en vertu de Décrets rendus sur le rapport du Ministre de la Marine après avis de la section des Finances, de la Guerre, de la Marine, et des Colonies, du Conseil d'État.

9. En ce qui concerne la navigation de cabotage, les travaux complémentaires prévus à l'Article précédent comporteront trois divisions, savoir :—

La première, comprenant les ports de la Baltique ;

La seconde, comprenant les ports des côtes de l'Océan Atlantique, de la Mer du Nord, et de l'Océan Boréal, à l'intérieur des limites de la navigation au long cours ;

La troisième, comprenant les ports de la Méditerranée, de la Mer Noire, et de la Mer d'Azof.

Dans chacune de ces divisions le Tableau indiquera les distances des différents ports entre eux et à un point de repère choisi, pour la première division, à l'entrée du Skager-Rack ; pour la troisième division, à l'entrée du Détroit de Gibraltar.

Pour la deuxième division les distances comprendront celles de chaque port aux deux points de repère ci-dessus.

La distance entre deux ports situés dans des divisions adjacentes s'obtiendra par la totalisation des distances de chaque port au point de repère intermédiaire, et, dans le cas de passage, sans relâche, de la première à la troisième division ou inversement, par l'addition à la distance de 1,720 milles existant entre les deux points de repère (Skager-Rack et Gibraltar) des distances de chacun des ports au point de repère de sa division.

10. Les Tableaux des distances, en ce qui concerne le long cours comme le cabotage, comprendront les ports situés sur le littoral maritime et ceux de la partie maritime des fleuves, rivières, ou canaux attenants à la mer ; pour la France, la liste de ces ports est déterminée en exécution des règlements d'administration publique fixant les limites de la navigation à vapeur.

11. Lorsque la distance mesurée entre deux ports est comprise en entier dans le cours d'un fleuve, d'une rivière, ou d'un canal, la

prime pour cette distance n'est due qu'au navire qui vient d'accomplir un voyage de mer avant de pénétrer dans ce fleuve, cette rivière ou ce canal, et une fois seulement dans chaque sens entre deux voyages de mer.

Ne sont considérés comme voyages de mer, pour l'application du paragraphe précédent, que les trajets en dehors du fleuve, de la rivière ou du canal, accomplis à la mer, et d'un parcours minimum de 10 milles.

Lorsqu'un navire se déplace à l'intérieur d'une baie maritime, les trajets ainsi effectués ne donnent droit à la prime que s'ils se font entre deux points distants au minimum de 10 milles.

TITRE IV.—*Primes à la Navigation.*

12. Les navires construits en France qui ont reçu après la promulgation de la Loi du 29 Janvier, 1881, ou qui reçoivent des machines ou chaudières de fabrication étrangère, sont considérés, au point de vue du droit à la prime à la navigation, comme des navires construits à l'étranger.

S'ils ont reçu ces machines ou ces chaudières avant le 1^{er} Janvier, 1893, ils ont droit aux primes allouées par l'Article 6 de la Loi du 30 Janvier, 1893, aux navires de construction étrangère.

13. La date de la construction du navire en vue de l'application de l'Article 6 de la Loi du 30 Janvier, 1893, est, pour les navires construits en France, celle du premier brevet de francisation.

Pour les navires construits à l'étranger, cette date est déterminée au moyen des actes antérieurs de nationalité, et, à défaut d'indications portées sur ces actes, par un certificat du Consul de France du lieu de construction constatant la date de la mise à l'eau.

Si ces actes ou certificats n'indiquent que l'année de la mise à l'eau, la date du 1^{er} Janvier de la dite année est admise comme point de départ de l'âge du navire.

La date de la construction ainsi déterminée est mentionnée dans l'acte de francisation.

14. Quelles que soient les transformations ou augmentations de jauge d'un navire, son âge reste déterminé par la date primitive de sa construction.

15. Tout armateur qui veut bénéficier de la prime de navigation est tenu, lors de l'armement du navire, de remettre en trois expéditions, dont une sur papier timbré, au commissaire de l'inscription maritime du port d'armement ou au Consul, une déclaration énonçant :—

- (1.) Son nom et son domicile ;
- (2.) Le nom et l'espèce du navire ;
- (3.) Le lieu et la nature de la construction (bois ou fer) ;

- (4.) L'origine des machines et des chaudières ;
- (5.) Le lieu et la date de la francisation ;
- (6.) S'il s'agit d'un navire construit à l'étranger, la date de la mise à l'eau ;
- (7.) La jauge brute totale et la jauge nette ;
- (8.) Le port d'attache de la douane et celui de l'immatriculation ;
- (9.) Les nom, prénoms, et quartier d'inscription du capitaine ;
- (10.) La composition de l'équipage.

La conformité de la déclaration avec l'acte de francisation et avec le titre d'origine des machines et les chaudières est certifiée par le receveur des douanes.

16. Cette déclaration est transcrite par le commissaire de l'inscription maritime ou par le Consul sur un registre à souches fourni par l'armateur et conforme au modèle arrêté par le Ministre de la Marine.

Ce registre, dit registre des traversées, reste à bord du navire et sert à l'inscription des divers voyages qu'il effectue.

La déclaration est visée par le commissaire de l'inscription maritime ou par le Consul ; l'exemplaire timbré est remis à l'armateur, le second exemplaire est envoyé au Ministre de la Marine, le troisième est conservé dans les bureaux de l'inscription maritime.

17. Au moment de son expédition, le capitaine fait consigner sur le registre des traversées, par le commissaire de l'inscription maritime ou par le Consul, la date du départ, la destination du navire et les points d'escale intermédiaires.

Dans les vingt-quatre heures de son arrivée dans un port où sur un point de relâche quelconque, le capitaine présente son registre de traversée, soit au commissaire de l'inscription maritime en France ou dans les Colonies ou possessions Françaises, soit au Consul de France à l'étranger.

Ce fonctionnaire, après avoir reconnu l'identité du navire par l'examen des papiers de bord, inscrit sur le registre la date de l'arrivée et dresse deux extraits constatant le voyage qui vient d'être terminé. L'extrait mentionne la route suivie, dans le cas où celle-ci aurait emprunté la voie d'un canal artificiel.

L'un des extraits est remis au capitaine ; le commissaire de l'inscription maritime ou le Consul garde le second extrait dans ses archives.

Au moment de la réexpédition, le commissaire ou le Consul consigne sur le registre des traversées la date du départ, la nouvelle destination ou la nouvelle escale du navire, et la composition de l'équipage.

En cas de réparations effectuées en pays étranger, le Consul de

France consigne aussi sur le registre la nature et le montant de ces réparations.

18. Si le navire arrive dans un port où il ne se trouve ni commissaire de l'inscription maritime ni Consul de France, le capitaine se fait délivrer un certificat par le Commandant du navire de guerre Français présent dans le port, ou, à défaut, par l'autorité locale.

Ce certificat ou, à défaut, un rapport du capitaine affirmé sous serment par l'équipage, est remis à l'autorité maritime ou Consulaire du premier port de relâche, qui en délivre au capitaine une copie certifiée et en fait mention sur le registre des traversées.

19. La constatation du droit à la prime se fait sur la production par l'armateur des extraits du registre des traversées remis au capitaine.

Au désarmement, le capitaine remet le registre des traversées au commissaire de l'inscription maritime ou au Consul.

20. Lorsque le voyage pour un navire au long cours se prolonge au delà de trois mois, l'armateur peut recevoir des acomptes jusqu'à concurrence des quatre cinquièmes des primes acquises ; le cinquième restant dû est payé, en même temps que la prime du voyage de retour en France, sur la production des certificats et justifications prévus à l'Article 38. La faculté d'acquérir des acomptes cesse cinq ans après le départ du navire de France.

21. Pour les navires faisant le cabotage, les primes peuvent être liquidées lors de chaque retour en France.

Toutefois cette liquidation ne peut être réclamée plus d'une fois pour chaque période de trois mois d'armement, sauf dans le cas de désarmement au cours d'une période pendant laquelle un payement de prime a été effectuée.

22. Les surprimes ne donnent pas lieu au payement d'acomptes.

23. Le complément des primes acquises au cours de l'armement ne peut être liquidé qu'après le retour du bâtiment en France.

Si toutefois le navire est condamné pour innavigabilité hors de France, ou désarmé hors de France par suite de vente ou de toute autre circonstance entraînant la cessation de la francisation métropolitaine, la liquidation des primes restant dues a lieu sur la production, en France, des pièces réglementaires. Il en est de même d'un navire armé au cabotage réarmant pour le long cours dans un port étranger.

24. Le navire qui périt corps et biens au cours d'une traversée, sans qu'on sache où il a disparu, est censé avoir accompli la moitié de la distance qui sépare le port de départ du port de destination déclaré, et a droit à une prime déterminée en conséquence.

S'il est possible de constater le point où le navire a péri, la prime est due d'après la distance parcourue jusqu'à ce point.

Si un navire est obligé par suite d'avaries graves de renoncer à

continuer une traversée en cours, la prime est acquise pour la distance comprise entre le point de départ de cette traversée et le point où elle a été interrompue. Ce point est déterminé par un extrait du livre de bord, certifié conforme par le commissaire de l'inscription maritime ou le Consul du premier port où relâche le navire.

Dans les cas prévus par les deux paragraphes précédents, la prime est calculée sur le taux d'après lequel elle aurait été payée pour la traversée interrompue.

25. Toute distance parcourue en dedans des limites fixées, pour le long cours, par l'Article 1^{er} de la Loi du 30 Janvier, 1893, ne donne droit à la prime au long cours qu'à compter du dernier port de cabotage où le navire a fait une opération commerciale et d'où il a fait route pour la destination de long cours qu'il a déclarée.

De même, au retour, la prime au-long cours n'est due que jusqu'au premier port situé dans les limites du cabotage où le navire fait une opération de commerce.

N'est pas considéré comme une opération de commerce le fait de relâcher dans un port pour y prendre des ordres.

26. Le tonneau d'affrètement, pour l'application du dernier paragraphe de l'Article 5 de la Loi du 30 Janvier, 1893, est déterminé conformément aux dispositions de la Loi du 13 Juin, 1866.

27. Lorsque, en raison de la date de la construction d'un navire, la même traversée donne lieu, par application de l'Article 9 de la Loi, à l'allocation de primes à la navigation de quotités différentes, la distance parcourue entre le port de départ et le port d'arrivée est répartie entre les deux primes proportionnellement au nombre de jours pendant lesquels chaque prime a été acquise.

La durée de la traversée est comptée du jour du départ inclusivement au jour de l'arrivée exclusivement. Le temps employé au chargement et au déchargement n'est pas compris dans le calcul.

La même règle est applicable à la traversée au cours de laquelle le navire cesse d'avoir droit à la prime.

TITRE V.—*Surprime aux Navires construits en France d'après des Plans approuvés par le Ministre de la Marine.*

28. Le Ministre de la Marine fixe, par un arrêté inséré au "Journal Officiel," les conditions générales auxquelles doivent satisfaire tous les navires admis à recevoir la surprime de 25 pour cent prévue à l'Article 7 de la Loi.

Le Ministre a le droit, à toute époque, de s'assurer par des visites de ses agents de la bonne exécution des navires admis à jouir de la surprime. Il doit toujours être informé des essais et peut s'y faire représenter.

29. Tout armateur demandant à jouir de la surprime doit adresser au Ministre de la Marine, en double expédition, les plans, à l'échelle fixée par le Ministre, des formes et des emménagements, le devis des échantillons, le devis des poids et les calculs de stabilité et de position du centre de gravité, ainsi que les plans des appareils moteurs et évaporatoires du navire qu'il se propose de faire construire.

Il en est de même pour les navires mis en chantier par les constructeurs sans destination déterminée, mais en vue de jouir de la surprime.

Un exemplaire des plans est renvoyé à l'armateur ou au constructeur, avec la réponse et les observations du Ministre de la Marine.

30. Au moment du premier armement du navire, l'armateur adresse au Ministre de la Marine, en double expédition, les plans des formes et des emménagements du navire, conformes à l'exécution, une copie du devis des poids d'après l'exécution, ainsi qu'une copie du marché d'après lequel le navire a été construit.

Le Ministre de la Marine fait procéder à la visite du navire et délivre, s'il y a lieu, un certificat constatant que la condition prévue par le paragraphe 1^{er} de l'Article 7 de la Loi du 30 Janvier, 1893, a été remplie.

Lorsqu'un navire est admis à jouir de la surprime, la décision du Ministre est motivée et insérée au " Bulletin Officiel " de la Marine.

TITRE VI.—*Obligations imposées aux Armateurs en ce qui concerne le Service Postal.*

31. Tout capitaine d'un navire bénéficiant de la prime à la navigation est tenu de faire prendre les dépêches postales et, s'il en est requis, les valises diplomatiques et d'en effectuer la remise dans les bureaux de poste, gares de chemins de fer, Consulats, ou à bord des paquebots correspondants désignés par l'Administration et suivant les dispositions arrêtées par elle.

Il peut également être tenu de transporter une boîte aux lettres mobile et de la présenter aux agents des postes chargés d'en opérer la levée, dans tous les ports où il aborde.

32. L'Administration des Postes et des Télégraphes peut, toutes les fois qu'elle le juge utile, requérir l'embarquement, pour accompagner les dépêches, d'un agent des postes sur un navire bénéficiant de la prime, soit au départ de France, soit sur tout autre point du parcours. Cet agent est chargé de la réception, de la conservation, du tri et de la livraison des dépêches, valises, et correspondances.

Un homme de l'équipage est mis à sa disposition pour la manutention des sacs de dépêches et le service de peine, et reçoit, à raison de ce concours, une indemnité dont le chiffre est fixé par l'Administration.

33. L'agent des postes est traité comme les passagers de première classe, ou, à défaut d'installations pour passagers de première classe, comme les officiers du bord. Les frais de nourriture sont remboursés conformément aux prix du tarif du navire pour les fonctionnaires.

Il est mis à sa disposition un local fermant à clef, placé en lieu sûr, suffisamment vaste, éclairé, et approprié pour permettre le tri des correspondances et l'entrepôt des dépêches.

L'agent des postes peut disposer d'une embarcation, convenablement armée, pour l'embarquement et le débarquement des dépêches, toutes les fois que les besoins du service public l'exigent.

34. L'armateur est tenu de pourvoir au transport de l'agent des postes, ainsi que des dépêches et valises qu'il accompagne, entre le bord et les bureaux où s'effectue la livraison de ces dépêches et valises.

Les frais de ce transport, ainsi que les frais qui peuvent résulter de l'application de mesures quaranténaires aux dépêches et valises, sont à la charge de l'armateur.

Le débarquement des dépêches s'effectue aussitôt après l'admission en libre pratique, sans attendre la mise à quai du navire et avant tout débarquement de passagers et de marchandises.

35. Tout capitaine ou armateur d'un navire bénéficiant de la prime est tenu de coopérer, sur la réquisition de l'Administration des Postes, au service des colis postaux.

Il est soumis de plein droit aux obligations et bénéficie des avantages résultant des Lois, Conventions internationales, Règlements, et Tarifs établis ou à établir en matière de colis postaux.

L'armateur a droit aux allocations prévues par l'Article III de la Convention Internationale du 4 Juillet, 1891,* sauf les modifications qui interviendront. Il est tenu de recevoir les colis postaux en dépôt dans ses agences des ports en France, en Algérie, dans les Colonies ou à l'étranger, ou à bord, s'il n'a pas d'agent à terre.

Les colis sont livrés par les soins du capitaine, soit à la douane du port de débarquement, soit aux compagnies de chemin de fer ou de navigation correspondantes, soit enfin à l'office postal destinataire, selon les instructions de l'Administration des Postes.

Dans les ports de France ou d'Algérie, l'accomplissement gratuit des formalités en douane, à l'égard des colis importés, incombe à l'armateur ou au capitaine. Il fait, le cas échéant,

* Vol. LXXXIII, page 976.

l'avance des droits de douane et autres qu'il répète sur les services correspondants ou sur le destinataire, et, à défaut, sur l'Administration des Postes.

Les armateurs ont à se munir, à leurs frais, des imprimés réglementaires et du matériel en usage pour le service des colis postaux.

36. L'accomplissement des obligations imposées, en ce qui concerne le service postal, aux capitaines des navires recevant une prime de navigation, par application de la Loi du 30 Janvier, 1893, combinée avec l'Arrêté des Consuls du 19 Germinal, an X, est une condition du droit à la prime. A cet effet, l'Administration des Postes et des Télégraphes délivre un certificat constatant que le capitaine a rempli toutes les obligations qui lui sont imposées par les lois susvisées. Ce certificat est joint au dossier de liquidation du solde de la prime.

TITRE VII.—*Liquidation et Payement des Primes.*

37. Les primes de construction sont liquidées sur la production des pièces ci-après :—

(1.) Pour les coques neuves, certificat du receveur des douanes du port de construction à l'effet de constater que le navire est de construction Française, et qu'il a été justifié par les déclarations des divers constructeurs des machines et chaudières corroborées par les attestations des officiers du génie maritime ou des agents placés sous leurs ordres, délégués à cet effet, ou, à leur défaut, des ingénieurs des mines ou des contrôleurs placés sous leurs ordres, qu'elles sont également de construction Française; le dit certificat indiquant, en outre le tonnage brut total, la catégorie à laquelle le navire appartient.

(2.) Pour les machines, parties de machines, chaudières, et appareils auxiliaires, certificat distinct fourni par chacun des divers constructeurs de machines ou chaudières indiquant la nature et le poids des machines et dûment légalisé par le Maire de leur résidence. Ce certificat doit être reconnu exact par les officiers du génie maritime chargés de la surveillance des usines ou les agents sous leurs ordres, délégués à cet effet, ou, à leur défaut, les ingénieurs des mines ou les contrôleurs placés sous leurs ordres. Le receveur des douanes atteste la mise en place conformément à l'Article 4 du Règlement ;

(3.) Pour le cas d'accroissement de jauge brute, certificat du receveur des douanes dans la forme indiquée sous le No. 1 ci-dessus ;

(4.) Dans tous les cas :—

(a.) Extrait timbré de l'acte de francisation délivré par l'Ad-

ministration des Douanes et indiquant la date et le numéro sous lesquels le navire a été francisé, sa jauge brute totale, ainsi que le port auquel il est attaché, et, pour les navires destinés à l'étranger, la copie certifiée du permis de sortie.

(b.) Projet de liquidation préparé par le receveur des douanes, vérifié et visé par le Directeur-Général des Douanes.

38. Les primes de navigation sont liquidées sur la production des pièces ci-après :—

§ 1^{er}.—*Payements par Acomptes.*

(1.) Exempleire timbré de la déclaration souscrite par l'armateur en exécution de l'Article 15 ci-dessus, ou certificat de référence, si cet exempleire a déjà été produit ;

(2.) Extraits timbrés du registre des traversées, ou certificats établis conformément à l'Article 18.

§ 2.—*Payement Final ou pour Solde.*

(1.) Certificat de référence aux numéros des ordonnances des payements d'acomptes ;

(2.) Extraits timbrés du registre des traversées non encore liquidées ;

(3.) Certificat du Commissaire de l'inscription maritime du port de retour indiquant la composition de l'équipage pendant les différentes traversées, et constatant le résultat de l'examen comparatif du rapport de mer, du journal de bord et du registre des traversées ;

(4.) Lorsqu'il s'agit de navires à vapeur construits sur des plans approuvés par le Département de la Marine, certificat du Ministre de la Marine ;

(5.) Certificat du receveur des douanes constatant que le navire n'a pas cessé de figurer à l'effectif de la marine marchande Française ;

(6.) Certificat de l'Administration des Postes et des Télégraphes, établi conformément à l'Article 36 ci-dessus.

§ 3.—*Payement Intégral.*

(1.) Exempleire timbré de la déclaration souscrite par l'armateur en exécution de l'Article 15 ci-dessus ;

(2.) Extraits timbrés du registre des traversées ;

(3.) Certificat du Commissaire de l'inscription maritime du port de retour indiquant la composition de l'équipage pendant les différentes traversées et constatant le résultat de l'examen comparatif du rapport de mer, du journal de bord et du registre des traversées ;

(4.) Lorsqu'il s'agit de navires à vapeur construits sur des plans approuvés par le Département de la Marine, certificat du Ministre de la Marine ;

(5.) Certificat du receveur des douanes constatant que le navire n'a pas cessé de figurer à l'effectif de la marine marchande Française ;

(6.) Certificat de l'Administration des Postes et des Télégraphes, établi conformément à l'Article 36 ci-dessus.

Il est joint, suivant les cas, aux pièces énumérées ci-dessus, des certificats de l'Administration des Douanes constatant que le navire a débarqué ou embarqué dans les ports étrangers des marchandises représentant en tonneaux d'affrètement le tiers au moins de son tonnage net, ou une pièce établie par l'Administration des Douanes constatant que le navire n'a pas fait d'opération d'embarquement ou de débarquement de marchandise dans un port étranger au cours d'une navigation au cabotage Français.

Toutes les pièces énumérées au présent Article sont remises par l'armateur au Commissaire de l'inscription maritime, qui les transmet au Ministre de la Marine.

Après vérification des pièces, le Ministre fait établir un projet de liquidation.

39. Les projets de liquidation établis, pour la prime à la construction, par le Ministère des Finances, pour la prime à la navigation par le Ministère de la Marine, sont adressés avec les dossiers au Ministre du Commerce, de l'Industrie, et des Colonies chargé d'ordonnancer les dépenses.

40. L'imputation à chaque exercice des ordonnances de paiement est déterminée, savoir :—

Pour les primes à la construction des coques, d'après l'année de francisation ;

Pour les primes à la construction des machines et des chaudières du premier armement, d'après l'année de francisation ;

Pour les primes à la construction des portions de machines et des chaudières nouvelles, &c., d'après l'année de la mise en place ;

Pour les primes à la navigation, d'après l'année pendant laquelle le navire est rentré en France, ou, s'il s'agit de liquidation par acomptes, d'après l'année ou se termine chacune des traversées partielles.

TITRE VIII.—*Établissement et Perception des Péages Locaux.*

41. Les enquêtes auxquelles sont soumis les projets d'établissement, de modification ou de prorogation des péages locaux prévus

par le paragraphe 3 de l'Article IV de la Loi du 19 Mai, 1866, modifié par l'Article XI de la Loi du 30 Janvier, 1893, sont faites suivant les formes déterminées par l'Ordonnance du 18 Février, 1834.

42. Les frais de perception des péages locaux sont fixés par le Ministre des Finances après avis du Ministre du Commerce, de l'Industrie, et des Colonies.

TITRE IX.—Organisation et Fonctionnement du Fonds de Secours et de Subventions.

43. Le produit réalisé des prélèvements de 4 pour cent sur les primes à la marine marchande est ordonnancé mensuellement par le Ministre du Commerce, de l'Industrie, et des Colonies, sur la caisse centrale du Trésor, au profit du Trésorier Général de l'établissement des invalides de la marine, qui en fait recette au titre de l'exercice en cours au moment de l'encaissement.

44. Le montant des prélèvements ainsi réalisés est affecté : pour les deux tiers au moins à l'allocation de secours aux marins Français du commerce, victimes de naufrages et autres accidents ou à leurs familles ; pour le reste, à des subventions aux Chambres de Commerce ou à des établissements d'utilité publique, en vue de la création et de l'entretien, dans les ports de la métropole et des Colonies, d'hôtels de marins destinés à faciliter à la population maritime le logement, l'existence, et le placement, ou de toutes autres institutions pouvant leur être utiles.

La part proportionnelle à effectuer aux subventions est fixée, au commencement de chaque année, par un Décret rendu en Conseil des Ministres.

45. Les prélèvements effectués chaque mois et répartis conformément à l'Article précédent sont inscrits comme ressources disponibles à deux comptes distincts dans la comptabilité de la caisse des invalides de la marine.

Les portions de ces prélèvements restés sans emploi en fin d'exercice sont reportés par Décret à l'exercice suivant, ainsi que la ressource correspondante.

46. Les demandes de secours sont instruites par le Ministre de la Marine. Le paiement des secours alloués est effectué au moyen de mandats délivrés par le Ministre de la Marine ou son Délégué, sur la caisse des invalides de la marine.

47. Les demandes de subventions présentées par les Chambres de Commerce sont instruites par le Ministre du Commerce ; celles présentées par des établissements d'utilité publique sont instruites par les Ministres dont relèvent ces établissements.

Il est institué pour l'examen de ces demandes une Commission

dans laquelle le Ministère de la Marine, celui du Commerce et chacun des Départements Ministériels dont relèvent les établissements qui ont présenté des demandes sont représentés par deux membres. Cette Commission, qui siège au Ministère de la Marine, élit son Président.

Les dossiers des demandes sont transmis directement à la Commission d'examen, qui fait connaître son avis au Ministre qui l'a saisie et au Ministre de la Marine. Les subventions sont accordées par le Ministre de la Marine, après avis conforme du Ministre dont relève l'établissement subventionné.

48. Le compte de l'établissement des invalides de la marine pour chaque exercice fait connaître l'emploi des prélèvements de 4 pour cent sur les primes à la marine marchande.

TITRE X.—*Dispositions Transitoires.*

49. Les navires mis en construction avant le 1^{er} Février, 1893, et francisés à partir de cette date, auront droit aux primes fixées par l'Article 2 de la Loi du 30 Janvier, 1893, sans que les constructeurs soient astreints à l'accomplissement des formalités prévues par le présent Décret. Toutefois, ils seront tenus de produire les justifications exigées par le Décret du 17 Août, 1881.

Les machines motrices, les appareils auxiliaires, les chaudières et leur tuyautage mis à bord du 1^{er} Février, 1893, jusqu'au jour de l'entrée en vigueur du présent Décret bénéficieront, sous les mêmes conditions, des primes instituées par l'Article 3 de la Loi du 30 Janvier, 1893.

50. Sont considérés comme ayant été francisés antérieurement à la Loi du 29 Janvier, 1881, les navires pour lesquels le paiement des droits d'importation ou les déclarations y relatives ont été faits, savoir : en France avant que la loi fût devenue exécutoire au bureau d'importation, et, à l'étranger, avant que la loi fût devenue exécutoire dans le port Français le plus voisin.

Seront considérés comme francisés avant le 1^{er} Janvier, 1893 :—

(1.) Les navires de construction étrangère qui se trouvaient avant le 1^{er} Janvier, 1893, dans un port de la métropole et pour lesquels avait été déposée, avant cette date, une déclaration de l'armateur s'engageant à payer les droits d'importation en vue de la francisation. Outre sa date propre, le titre de nationalité devra porter celle de la déclaration originale ;

(2.) Les navires achetés à l'étranger par des Français, s'ils se présentent dans les ports de la métropole porteurs de congés provisoires délivrés par les Consuls de France à des dates antérieures au 1^{er} Janvier, 1893.

51. Les dispositions de l'Article 27 sont applicables aux navires qui se trouvaient en mer à la date du 30 Janvier, 1893. La distance parcourue entre le dernier port de départ et le premier port d'arrivée sera répartie proportionnellement au nombre de jours pendant lesquels l'ancienne et la nouvelle législation auront été en vigueur, en vue du paiement des primes à la navigation qu'elles spécifient.

52. Au retour en France des navires qui, armés sous le régime de la législation antérieure au 30 Janvier, 1893, ne pourront présenter les justifications énoncées par l'Article 38, il y sera suppléé par une déclaration sur papier timbré que le capitaine ou l'armateur devra faire au Commissaire de l'inscription maritime dans les vingt-quatre heures de l'arrivée, déclaration qui donnera l'itinéraire suivi depuis le départ de France ou depuis la dernière traversée, justifiée dans les formes réglementaires, ainsi que la composition de l'équipage depuis ce départ ou cette traversée jusqu'au retour.

Cette déclaration présentera toutes les indications obligatoires d'après l'Article 16 pour la déclaration d'armement, sauf dans le cas où cette dernière serait produite. Elle sera, comme celle-ci, certifiée conforme à l'acte de francisation par le receveur des douanes. A l'appui, le capitaine devra produire le livre de bord et une expédition de son rapport de mer.

Il ne sera pas payé d'acomptes aux navires mentionnés dans le présent Article.

53. Les navires effectuant la navigation entre la France et l'Algérie cesseront d'avoir droit à la prime un mois après la date de la mise en vigueur intégrale de la Loi du 2 Avril, 1889.*

TITRE XI.—*Dispositions Générales.*

54. Est abrogé le Décret du 17 Août, 1881.

55. Les Ministres de la Marine, du Commerce, de l'Industrie, et des Colonies, des Travaux Publics et des Finances sont chargés de l'exécution du présent Décret, qui sera inséré au "Bulletin des Lois" et au "Journal Officiel."

Fait à Marly-le-Roi, le 25 Juillet, 1893.

CARNOT.

Par le Président de la République :

RIEUNIER, *Ministre de la Marine.*

TEBRIER, *Ministre du Commerce, de l'Industrie,
et des Colonies.*

PEYTRAL, *Ministre des Finances.*

VIETTE, *Ministre des Travaux Publics.*

DECREE of the President of the French Republic, relative to the Loading of Merchant-Vessels. — Paris, December 1, 1893.

LE Président de la République Française ;

Sur le rapport du Ministre du Commerce, de l'Industrie, et des Colonies ;

Vu la Loi du 20 Décembre, 1892, ainsi conçue :

“ *Article Unique.* Des Décrets détermineront les règles d'après lesquelles devra être effectué l'arrimage des marchandises à bord des navires de commerce ;”

Le Conseil d'État entendu ;

Décète :

ART. 1^{er}. Les règles suivantes seront applicables à l'arrimage des marchandises à bord des navires de commerce, à moins de conventions contraires.

TITRE I.—Marchandises de toute Nature, à l'exception des Grains en Vrac et des Liquides.

2. Toutes les marchandises craignant l'humidité devront être protégées par des greniers et garnitures ayant au moins les dimensions suivantes :—

(1.) Pour les marchandises en fûts, futailles, boucauts, ou caisses, sauf pour les savons, le grenier devra avoir 17 centim. à partir du vaigrage dans les fonds du navire, 17 centim. à la couche ou ventrière, et une garniture de 3 centim. en abord ;

(2.) Pour les marchandises en sacs, balles, ou ballots, le grenier devra avoir au moins 25 centim. dans les fonds et la couche, et la garniture 5 centim. en abord ;

(3.) Pour les savons, il suffira d'un grenier de 4 centim. dans les fonds et aux ventrières, et d'une garniture de 3 centim. en abord.

Exception est faite pour les navires à double fond ou à water-ballast, pour lesquels il ne sera exigé dans les fonds qu'un grenier en bois de 10 centim.

Le faux tillac non calfaté est réputé grenier pourvu qu'il ait la hauteur de 16 centim. dans les fonds.

Dans les navires en bois, la garniture en abord est comptée à partir du vaigrage ; dans les navires en fer elle est comptée à partir de l'arête intérieure de la membrure.

3. Dans les entreponts calfatés et sur les planchers des faux ponts également calfatés, la circulation de l'eau devra être assurée partout par un grenier de 3 centim. mis en travers, ou en long,

mais avec des coupures en travers, avec des orgues tribord et bâbord pour l'écoulement des eaux.

4. Tout logement d'équipage, cambuse ou emménagement intérieur devra être bien calfaté et avoir des orgues tribord et bâbord pour l'écoulement de l'eau, et à la cloison une tringle de 8 centim. de hauteur calfatée, pour empêcher l'eau de se rendre dans l'entrepont ou dans la cale.

5. Les bois servant au fardage ou grenier devront être secs ; ceux de ces bois qui seront disposés en abord devront être fixés contre le vaigrage de façon à ne pas glisser dans les mouvements du navire.

Tout corps spongieux ou lest susceptible d'avarier les marchandises n'est pas réputé grenier. Tel est le cas, notamment, des sables, terres, charbons, argiles, chaux, sels, phosphates, et autres. Une séparation en bois de 7 centim. est alors obligatoire. Dans le cas où le lest sera formé de sable ou de terre, le vaigrage devra être calfaté ou les joints garnis de lattes ou lambourdes jusqu'à une hauteur suffisante pour empêcher le sable ou la terre de tomber dans les mailles.

Les bois de campêche ou autres analogues, dents d'éléphant, fibres de coco, &c., ne pourront pas servir de fardage ou de garniture ; ils devront être préservés comme il est d'usage de le faire pour les marchandises sèches.

6. Les cloisons d'emménagement et les épontilles métalliques devront être revêtues de nattes, toiles, ou autres garnitures ; les mâts, bittes, archipompes, et puits aux chaînes devront être recouverts avec du bois de 3 centim. d'épaisseur.

7. Les marchandises qui peuvent se détériorer par contact direct ou indirect ne pourront être arrimées l'une au-dessus de l'autre ou l'une à côté de l'autre.

Toute marchandise sèche arrimée sur des barriques, barils, ou fûts contenant du liquide devra en être séparée par un fardage en bois de 3 centim. d'épaisseur.

Toutes les marchandises dégageant des émanations susceptibles d'avarier les marchandises voisines, telles que certaines essences végétales et minérales, les bois créosotés, &c., ne pourront être chargées que dans un emplacement séparé.

8. Les cuirs salés devront être arrimés par couches horizontales, tête, ventre, et queue en abord avec un grenier de 25 centim. Ils devront être saturés de saumure. Il est fait exception pour les cuirs reçus en paquets, qui seront rendus tels qu'ils auront été reçus.

Les cuirs secs devront être arrimés, tête, ventre, et queue en abord sur un grenier de 25 centim. sur le fond et à la couche ; aucun cuir du chargement ne pourra servir comme garniture.

Les cuirs secs ou toute marchandise craignant l'humidité, chargés au-dessus des cuirs salés, devront en être séparés par un fardage en bois de 15 centim.

Les os employés comme fardage devront être recouverts de planches de 3 centim. au moins d'épaisseur.

9. Les compartiments dits cales à eau ne devront recevoir de marchandises que s'ils sont garnis intérieurement d'un fardage de 3 centim. d'épaisseur et après avoir été convenablement nettoyés et asséchés.

10. Dans les navires à vapeur, les cloisons séparant les chambres des machines et chaudières des cales à marchandises ou des soutes utilisées comme cales devront être éloignées des marchandises au moyen de cloisons pleines en bois régissant sur toute la hauteur et séparées de la tôle par un espace vide, de manière que la marchandise soit distante de la tôle de 20 centim. pour les chaudières et de 10 centim. pour les machines. L'évacuation de l'air chaud de l'espace vide devra être assurée par l'installation de cheminées d'appel convenablement disposées de chaque bord.

Les mêmes dispositions devront être adoptées pour les entreponts au passage des cheminées, sous la réserve que l'espace vide prévu sera réduit à 10 centim.

11. Les marchandises susceptibles d'être endommagées par les poussières ne devront pas être chargées dans les soutes à charbon.

12. Les rails et fers en barres, plats, ou profilés devront être arrimés en grillage et la muraille du navire devra être protégée par une forte garniture, soit en fer, soit en bois, si les quantités embarquées comportent ces précautions.

Le ripage devra être prévenu en empêchant le glissement fer sur fer par l'interposition d'un certain nombre de lattes en bois réparties sur la hauteur du chargement.

Tous les espaces vides en abord devront être remplis par du bois convenablement serré et l'ensemble du chargement devra être coincé sous les barrots par des épontilles volantes placées de distance en distance sur des madriers en travers.

Dans le cas où des rails ou fers en barres, plats, ou profilés seraient chargés sur barrots en fer, les dits barrots devront être isolés par du bois, de façon à ne pas supporter directement les fers arrimés au-dessus.

TITRE II.—*Grains et Graines de toute Nature en Vrac.*

13. Tout navire d'au moins 400 tonneaux de jauge, chargeant des grains ou graines en vrac, devra avoir une archipompe de dimensions suffisantes pour donner accès à un homme et lui permettre d'y travailler. On devra pouvoir y pénétrer soit par un

trou d'homme dans le pont supérieur, soit par un couloir libre dans l'entrepont, à partir de l'écoutille de l'arrière, mais dans aucun cas par le grand panneau.

14. Le grenier devra avoir une hauteur de 27 centim. au-dessus du vaigrage dans les fonds, 27 centim. aux ventrières, avec garniture de 3 centim. en abord.

15. Les greniers et garnitures devront être entièrement recouverts de toiles ou de nattes, de manière à empêcher que le grain ne passe au travers.

16. Dans les navires ayant un vaigrage à claire-voie, les intervalles de ce vaigrage devront être exactement remplis et recouverts d'une natte, toile, ou autre garniture, pour empêcher le passage du grain et assurer la circulation de l'eau aux pompes.

Dans les navires à vaigrage plein, il sera exigé en abord contre la garniture une natte ou toile jusqu'au pont supérieur.

17. Les chambres des machines et chaudières des navires à vapeur chargés de grains ou graines devront être isolées du chargement, conformément à l'Article 10.

18. L'aération des cales renfermant des grains ou graines devra être assurée par des manches à vent ou des ventilateurs fixes ou mobiles dans tout navire de 400 tonneaux de jauge et au-dessus.

TITRE III.—*Vins, Alcools, Huiles, et généralement toutes les Matières Liquides.*

19. Les fûts contenant des liquides, s'ils sont d'égales dimensions, devront être arrimés par plans horizontaux, la bonde en dessus, de manière que les douves des fonds se trouvent dans une position verticale.

Les fûts devront avoir le bouge libre, tant sur le fond que dans les abords, et être saisis par quatre bons coins au collet, tous les vides en abord étant remplis. Il est interdit d'arrimer bouge sur bouge. Chaque fût du premier plan dans la cale ou dans les entrepôts reposera sur deux cadastres ou deux traverses munies de coins afin que le bouge ne supporte pas le poids de la cargaison superposée.

Lorsque les fûts seront de dimensions inégales, ou lorsque la finesse des formes du navire s'y opposera d'une manière absolue, l'arrimage horizontal ne sera pas exigé, mais les autres règles ci-dessus détaillées devront être observées.

20. Sous le pont, les fûts ne devront pas être arrimés sous plus de :—

6 plans pour une contenance s'élevant jusqu'à 249 litres.			
5 „ „ „	de 250 à 399 litres.		
4 „ „ „	de 400 à 699 litres.		
3 „ „ „	à 700 litres et au-dessus.		

Après trois, quatre, cinq, et six plans, suivant la distinction ci-dessus, l'établissement d'entreponts fixes ou mobiles sera obligatoire dans toute la longueur des cales, même sous les panneaux.

21. Les chambres des machines et des chaudières des navires à vapeur chargés de liquides devront être séparées du chargement suivant les prescriptions de l'Article 10.

22. Dans le cas où des fûts seraient placés sur le pont, soit debout, soit couchés, en vertu du consentement écrit du chargeur prévu par l'Article 229 du Code de Commerce, ils devront être arrimés sur un plan unique et solidement saisis entre eux sans que rien soit chargé par-dessus. Les fûts couchés seront élevés sur des cales permettant l'écoulement facile des eaux en dessous.

Dans les spardecks ou faux ponts les fûts pourront être arrimés debout, à la condition qu'ils ne forment qu'un plan unique et que rien ne soit chargé par-dessus.

Aucun chargement de liquides en fûts ne sera autorisé sur le pont du spardeck.

23. Dans les cales tout fût debout ou en travers sera considéré comme mal-arrimé.

TITRE IV.—*Mesures Générales.*

24. Les marchandises pour lesquelles le présent Règlement ne contient pas de prescriptions spéciales seront arrimées avec tous les soins et précautions nécessitées par leur nature.

25. Le capitaine est obligé, suivant les circonstances, de tenir ses panneaux solidement fermés, recouverts de deux prélaris fixés d'une façon rigide contre les hiloires, soit en les clouant, soit en les maintenant par des tringles.

26. Le Ministre du Commerce, de l'Industrie, et des Colonies est chargé de l'exécution du présent Décret.

Fait à Paris, le 1^{er} Décembre, 1893.

CARNOT.

Par le Président de la République :

TERRIER, *Ministre du Commerce, de l'Industrie,
et des Colonies.*

*LAW of the Government of the Netherlands, regulating the Conditions for acquiring the Qualifications of Physicians, Dentists, Apothecaries, Midwives, and Apothecary's Assistants.—The Hague, December 25, 1878.**

(Translation.)

WE, William III, by the grace of God King of the Netherlands, Prince of Orange-Nassau, Grand Duke of Luxemburg, &c.

Know all men by these presents :

Having taken into consideration that it is necessary to bring the regulation of the conditions for acquiring the qualifications of physicians, dentists, apothecaries, midwives, and apothecary's assistants into accordance with the provisions of the Law of the 28th April, 1876, for regulating higher education ;

Having consulted the Council of State and deliberated with the States-General, we have approved and sanctioned the following Articles :—

ART. 1. The title of physician confers the qualification to practise medicine in all its branches and shall be acquired by passing the practical physician's examination.

2. In the practical physician's examination shall be required proofs of practical knowledge of the sick bed and of skill in performing surgical and obstetric operations, and in making up prescriptions.

The examination shall be divided into two parts, the one a general medical one, and the other embracing surgery and obstetric practice.

For admission to the first part the declaration of a qualified medical practitioner must be handed in, that the candidate has attended medical and surgical cases for two years at least, and for admission to the second part a certificate that, in the presence of a qualified accoucheur, he has conducted at least ten normal and two abnormal deliveries in this country.

If the candidate has not passed both parts of the examination at the same date, but the first one only, he shall receive a certificate thereof, on handing over which he shall be admitted to the second part separately.

3. The only persons eligible for the practical physician's examination are :—

(a.) Those who are mentioned in Article 94 of the Law of the 28th April, 1876, regulating higher education or who have an equivalent status according to the provisions of that Law ;

(b.) Those persons who have passed the two physical science

* Amended by Law of December 12, 1892, page 833.

examinations and the theoretical medical examination, mentioned in Articles 4, 5, and 6, or who stand upon the same footing with them.

4. The first natural science examination comprises:—

- (a.) Natural science ;
- (b.) Chemistry ;
- (c.) Botany.

The only persons eligible for this examination are:—

(1.) Those who, according to a certificate issued by the curators of a gymnasium with a six years' course, have passed the promotion examination from the fourth to the fifth class of that gymnasium or the entrance examination to the last-mentioned class, or who, according to a similar certificate issued by the curators of a pro-gymnasium, have profitably attended the lessons in the highest class of that pro-gymnasium up to the end of the course ;

(2.) Those who possess the certificate acquired by their having passed the final examination of the higher commercial school with a five years' course, mentioned in Article 57, or of the examination (a) mentioned in Article 59 of the Law of the 2nd May, 1863, regulating secondary education ;

(3.) Those who, in the manner to be fixed by us by general measures of administration, have furnished satisfactory proof that they are sufficiently prepared to practise natural science.

5. The second natural science examination comprises:—

- (a.) Anatomy ;
- (b.) Physiology and tissues ;
- (c.) General nosology ;
- (d.) Knowledge of pharmacy.

6. The theoretical medical examination comprises:—

- (a.) Nosological anatomy ;
- (b.) Pharmaceutical dynamics ;
- (c.) Special pathology and therapeutics ;
- (d.) Hygiene ;
- (e.) Theoretical surgery ;
- (f.) Theoretical obstetrics.

7. The faculties hereinafter mentioned are competent to conduct the examinations mentioned in Articles 4, 5, and 6, and to issue certificates to persons who have passed those examinations:—

(a.) As regards the examination of Article 4, the faculties of mathematics and natural science in the Netherland universities ;

(b.) As regards the examinations of Articles 5 and 6, the faculties of medicine at those universities.

Before admission to either of these examinations, the candidate shall pay into the hands of the Chairman of the faculty which conducts the examination the sum of 50 florins.

In case of the rejection of a candidate no charge shall be made to him for the next subsequent examination.

The amount paid in shall serve as remuneration to the members of the faculty which conducts the examination.

8. The title of dentist confers the qualification to practise dentistry, comprising local treatment of diseases of the teeth, of their sockets, and of the gums.

The title shall be acquired by passing a practical examination, in which satisfactory proofs shall be required of practical knowledge of dental operations and of supplying single artificial teeth and complete sets.

9. The only persons eligible for the practical examination for dentists are those who have passed the theoretical examination in dentistry.

That examination comprises:—

(a.) The anatomy of the teeth, the sockets, and the gums;

(b.) The physiology of these parts;

(c.) The hygiene, disease and curative treatment of these parts, including diagnosis of the diseases of the teeth, sockets, and gums, whether arising from general causes or having their origin in other parts;

(d.) The remedies and the prescriptions, so far as necessary for diseases in the parts aforesaid.

The following persons are exempt from the examination in the branches mentioned under the letters (a) and (b):—

(1.) All persons who, at a Netherland university, have passed the examination immediately preceding that by which is acquired the degree of doctor in the faculty of medicine, or, so far as regards that faculty, are mentioned in Article 119 of the Law of the 28th April, 1876, regulating higher education;

(2.) All persons who have passed the second physical science examination mentioned in Article 5, or who stand on a like footing with them.

10. The faculties of medicine at the Netherland universities are competent to conduct the theoretical examination for dentists and to issue certificates to the successful candidates.

Before being admitted to this examination the candidate shall pay the sum of 25 florins into the hands of the Chairman of the faculty which conducts the examination.

The last two paragraphs of Article 7 are applicable to this case.

11. The title of apothecary confers the qualification to practise pharmacology, and is acquired by passing the practical apothecary's examination.

In that examination satisfactory proofs of practical knowledge of

pharmacology and of chemical analysis will be required, as well in the apotheca as in the laboratorium.

For admission to the examination the candidate must hand in a declaration from a qualified apothecary in this country that he has practised pharmacology for two years at least under the direction of such qualified apothecary.

12. The only persons admissible to the practical apothecary's examination are:—

(a.) Those mentioned in Article 96 of the Law of the 28th April, 1876, regulating higher education, or such as, by the provisions of that Law, stand upon the same footing;

(b.) Those who have passed the theoretical apothecary's examination mentioned in Article 13.

13. The theoretical apothecary's examination comprises:—

(a.) Pharmacology;

(b.) Toxicology;

(c.) Analytical chemistry.

14. The faculties of mathematical and physical science at the Netherland universities are competent to conduct the theoretical apothecary's examination and to award the certificate to those who have passed the examination.

The last three paragraphs of Article 7 are applicable to this case.

15. The only persons admissible to the theoretical apothecary's examination are those who have passed the first natural science examination mentioned in Article 4, or who stand on the same footing and who have also given proofs of their knowledge of the rudiments of the natural history of animals and minerals.

16. The qualification to give advice and assistance in obstetric cases as midwife shall be acquired by passing a theoretical and practical examination in obstetrics.

Before the candidate is admitted to this examination she must hand in a certificate that she has been inscribed as a probationer, under the conditions to be fixed by us by general measures of internal administration, by a medical inspector, and has afterwards conducted in presence of a qualified accoucheur in this country ten normal deliveries at least.

17. All persons may be allowed to act as apothecary's assistants with the same qualifications and responsibilities as assistant apothecaries ("emepapothekers") according to existing laws and legal instructions, who are of the full age of 18 and have passed an examination in which proofs are required of the knowledge and skill required for making up prescriptions.

18. The examinations mentioned in Articles 2, 8, and 11 shall be conducted free of charge by commissions, whose Chairman,

members, substitute members, and Secretaries shall be annually appointed by us.

The Chairman, members, substitute members, and Secretaries of these Commissions shall receive travelling and lodging expenses and remuneration to be fixed by us.

The examinations shall be conducted in public, excepting those at the sick bed, in the chemical laboratory and those in obstetrics, which may not be attended unless with the permission of the Chairman of the Examining Commission.

19. All persons who have passed the examination, after having paid into the hands of the Chairman of the Commission the sum of 25 florins, shall receive a diploma which confers the title:—

(a.) In the case of Article 2, of physician;

(b.) In that of Article 8, of dentist;

(c.) In that of Article 11, of apothecary.

20. The examinations mentioned in Articles 16 and 17 shall be conducted free of expense by Commissions, composed of the medical inspector or assistant inspector of the province in which the examination is held, as Chairman and two members possessing the necessary qualifications, to be appointed by our Minister charged with the carrying out of this Law.

The members shall be paid their travelling and lodging expenses and shall receive such remuneration as may be fixed by us.

After having paid into the hands of the Chairman of the Commission the sum of 5 florins the midwife or the apothecary's assistant shall receive a certificate.

21. All persons who have passed the examination for physician, dentist, apothecary, midwife, or apothecary's assistant, before they are admitted to act in their respective capacities shall take the following oath or make the following affirmation in the presence of the Chairman of the Examining Commission:—

“I swear (promise) that I will practise the medical, surgical, and obstetric and dentistry profession in obedience to the provisions of the law thereanent according to the best of my knowledge and ability, and that I will not betray to any one any secret confided to me in that practice or that has come to my knowledge, unless my evidence as witness or expert is required in a Court of law, or I am otherwise bound by law to give information.

“So help me God Almighty (I promise this).”

22. Opportunity shall be given twice a-year at least for holding the examinations mentioned in the preceding Article.

Our Minister, charged with the execution of this Law, shall appoint the places where and the times when the Examining Commissions shall meet.

The amounts paid by the candidates, after deducting the

expenses of the meeting of the Commission, not including the travelling and lodging expenses, &c., shall be paid into the public exchequer.

Everything else relating to the regulating of these examinations shall be fixed by us by general measures of internal administration.

23. Those persons only are eligible for the appointments of naval and army surgeons who by the law are qualified to practise medicine in all its branches all over the kingdom; and for the appointments of naval and army apothecaries those only who have acquired, according to the law, the qualifications of apothecaries.

Temporary Provisions.

24. All persons who at the date when this Law comes into operation are qualified to practise medicine, surgery, obstetrics, dentistry, pharmacology, or to extend their qualifications by passing a supplementary examination, shall retain such qualifications.

All persons who at the date aforesaid by passing one examination had obtained the qualification for admission to another one, or to the privilege of any exemption at such examination, shall retain such privileges in regard to those examinations, by this Law.

25. This Law shall come into operation at a date hereafter to be fixed by us.

The following Law, as also certain Articles of a subsequent Law, are now repealed, viz., the Law of the 1st June, 1865, regulating the conditions for acquiring the qualifications of medical practitioner, apothecary, assistant apothecary, articled assistant apothecary, and midwife, as amended by the Law of the 8th July, 1874, and Articles 1 to 6 of the Law of the 24th June, 1876, regulating the conditions for acquiring the separate qualification for practising dentistry and all enactments arising from those provisions.

We order and direct that this Law be inserted in the "Staatsblad," and that all Ministerial Departments, authorities, Boards, and civil functionaries, whom it concerns, co-operate to the exact carrying out of the same.

Given at the Hague, December 25, 1878.

WILLIAM.

KAPPEYNE, *Minister of the Interior.*

LAW of the Government of the Netherlands, amending the Law regulating the Conditions for acquiring the Qualifications of Physician, Dentist, Apothecary, Midwife, and Apothecary's Assistant.—The Hague, December 12, 1892.

(Translation.)

IN the name of Her Majesty Wilhelmina, by the grace of God Queen of the Netherlands, Princess of Orange-Nassau, &c.

We, Emma, Regent of the Kingdom,

Know all men by these presents

Having taken into consideration that it is desirable to amend the Law of the 25th December, 1878,* regulating the conditions for acquiring the qualifications of physician, dentist, apothecary, midwife, and apothecary's assistant, supplemented by the Laws of the 28th June, 1881, and of the 26th October, 1889;

Having consulted the Council of State and deliberated with the States-General, we have sanctioned and approved the following Articles :—

ART. 1. In Articles 3, 4, 9, 18, 19, 20, and 22 of the Law of the 25th December, 1878, regulating the conditions for acquiring the qualifications of physicians, dentists, apothecaries, midwives, and apothecary's assistants, supplemented by the Laws of the 28th June, 1881, and of the 26th October, 1889, the following amendments shall be introduced :—

Article 3. The following paragraphs shall be annexed to this Article :—

“All persons who, after having passed the examination, have acquired the right to practise medicine in all its branches in another kingdom or in one of the Netherland Colonies or possessions beyond sea, may be wholly, or in part, exempted from the theoretical medical and from the preceding examinations, and from the necessity of exhibiting the declaration and the certificate mentioned in the third paragraph of Article 2.

“By general administrative regulations, after receiving the opinion of the Senates of the Universities, we will indicate what certificates or diplomas confer exemption on their possessors, and how far that exemption extends.”

Article 4. The second paragraph of this Article shall read as follows :—

“The only persons eligible for this examination are those in possession of the certificate acquired by their having passed the final examination of the higher commercial schools (‘Hoogara

* Page 827.

burgerscholen') with a five years' course, mentioned in Article 57, or the examination (A), mentioned in Article 59 of the Law of the 2nd May, 1863, regulating secondary instruction."

Article 9. The following paragraphs shall be annexed to this Article:—

"The only persons eligible for the theoretical examination in dentistry are those who are competent to pass the examinations mentioned in Article 84 of the Law of the 28th April, 1876, regulating higher education, and those who are competent to pass the first physical science examination.

"All persons who, after having passed the examination, have acquired the right to practise dentistry, in another kingdom or in one of the Netherland Colonies or possessions beyond sea, may be wholly or in part exempted from the theoretical examination in dentistry and from the preceding examinations.

"By general administrative regulations, after receiving the opinion of the Senates of the Universities, we will indicate what certificates or diplomas confer exemption on their possessors, and how far that exemption extends."

Article 18. The words "free of charge" shall be omitted in the first paragraph of this Article.

The two following paragraphs shall be annexed to the Article:—

"The sum of 25 fl. shall be paid into the hands of the Chairman of the Commission which convenes the examination previous to every examination.

"In case of the rejection of a candidate no charge shall be made to him for the next subsequent examination."

Article 19. From the first paragraph of this Article shall be omitted the words following:—

"After having paid into the hands of the Chairman of the Commission the sum of 25 fl."

Article 20. This Article shall read as follows:—

"The examinations mentioned in Articles 16 and 17 shall be conducted by a Commission, composed of a Chairman and two members.

"Our Minister charged with the carrying out of this Law shall appoint the medical inspector or assistant-inspector within whose district the examination is to be held, or a member or substitute member of the Medical Council as Chairman of the Commission, and shall appoint the members of the Commission and their substitutes.

"The member or substitute member of the Medical Council, acting as Chairman, and the members of the Commission and their substitutes, shall receive travelling and lodging expenses and remuneration, to be fixed by us.

"Previously to every one of these examinations the candidate shall pay into the hands of the Chairman of the Commission the sum of 5 fl. In case of his being rejected no charge shall be made to him for the next subsequent examination.

"A certificate to that effect shall be given to the midwife or apothecary's assistant who has passed an examination."

Article 22. After the third paragraph of this Article shall be added the following words:—

"The examinations shall be conducted in the Dutch language."

2. This Law shall come into operation on the 1st January, 1894.

All persons who, previously to that date, have acquired the qualification for the first physical science examination retain that qualification.

We order and direct that this Law shall be inserted in the "Staatsblad," and that all Ministerial Departments, authorities, Boards, and civil functionaries, whom it concerns, shall co-operate to the exact carrying out of the same.

Given at the Hague, 12th December, 1892.

EMMA.

TAK VAN POORTVLIET, *Minister of the Interior.*

DECREE of the National Legislative Assembly of Guatemala, relative to the Status of Foreign Companies.—Guatemala, April 19, 1893.

(Translation.)

ART. 1. Companies legally constituted abroad can be established in the Republic, or can have agencies or branches therein, the authorization of the Executive having been first obtained, provided they subject themselves to the Regulations of the Commercial Code in so far as the latter has reference to the formation of their establishments within the territory of the Republic, to their mercantile operations, and to the jurisdiction of the Tribunals of the nation.

2. Once this authorization has been obtained, the foreign Companies wishing to establish themselves, or to form branches and agencies in the Republic, must present and explain in the register, specified in Article 235 of the Commercial Code, their statutes, contracts, and other documents referring to their constitution.

3. The Executive cannot give the authorization specified in Article 1 without the foreign Company presenting a certificate to the effect that it is constituted in accordance with the laws of the

country to which it belongs. The certificate should come from the Minister or Consul accredited to the Republic.

4. Every Company legally constituted abroad which shall establish itself in the Republic, or have therein any agency or branch, shall, besides the inscription and registration specified in the above Article, publish annually a balance sheet clearly setting forth its assets and liabilities, and also the names of the persons charged with its administration.

5. Failure on the part of the Companies' agencies or branches to carry out any of the provisions of the present Law renders the parties contracting in the name of their Companies personally responsible for all obligations contracted in the Republic, and liable to be prosecuted for fraud when such negotiations shall have been prejudicial to a third person.

6. The responsibility of the said agencies or branches is understood to be in addition to that of the Company which they represent.

7. In the case of Article 4, the Executive can impose payment for the authorization, which shall not exceed 1,000 dollars per annum for each Company.

8. Foreign Companies at present established in the Republic become subject to the terms of this Law, and the validity of their actions in the future depends upon it.

Issued at the Palace of Legislative Authority the 15th April, 1893.

S. M. GONZÁLEZ, *Second Vice-President.*

S. SANTIAGO MÉRIDA, *Secretary.*

J. A. MANDUJANO, *Secretary.*

Palace of the Executive, Guatemala, April 19, 1893.

JOSÉ MARIA REINA BARRIOS.

AGREEMENT between Great Britain and Germany, modifying the Agreement of 1885 with regard to the Notice to be given before altering the Rates of Tariff Duties in their Protectorates in the Gulf of Guinea.—Berlin, May 5–19, 1893.

No. 1.—Mr. Trench to Baron von Marschall.

M. LE BARON,

Berlin, May 5, 1893.

It will be within your Excellency's recollection that, in the Agreement entered into between Her Majesty's Government and

the Imperial Government in 1885,* and recorded in the note addressed on the 16th May of that year by Earl Granville to the Imperial Ambassador in London, upon the subject of Tariff duties in the territories of the Gulf of Guinea under their Protectorate, it was prescribed that not less than four months' notice should be given by the local officials of either Government of the adoption of any alterations in those duties.

Her Majesty's Government have now arrived at the conclusion that a reduction of the stipulated period from four months to one month would be of great assistance to both Administrations as tending to prevent the local traders from importing largely within the prescribed period goods about to be taxed.

I have accordingly the honour, by direction of the Earl of Rosebery, to invite your Excellency's attention to the modification suggested, with a view to its adoption, should it appear acceptable to the Imperial Government.

I avail, &c.,

Baron von Marschall.

P. LE POER TRENCH.

No. 2.—Baron von Marschall to Mr. Trench.

(Translation.)

M. LE CHARGÉ D'AFFAIRES,

Berlin, May 19, 1893.

IN your note of the 5th instant you suggested an alteration in the Agreement arrived at between the German and English Governments by the exchange of notes of the 16th May (2nd June), 1885, viz., that the period prescribed to elapse between the notice given of changes in the Customs Tariff of the possessions of either country on the Gulf of Guinea, and their being put into execution, should be reduced from four months to one month.

I have the honour to inform you of my agreement with the proposal in question, and to add that I have instructed the Governor of the Cameroons in regard to the publication of the alteration.

I avail, &c.,

Hon. P. le Poer Trench.

MARSCHALL.

* May 16, June 2, 1885. See Vol. LXXVI, pages 775, 776.

*BRITISH NOTIFICATION of the French Law of August 8, 1893, respecting the Sojourn of Foreigners in France, and the Protection of National Labour.—London, August 31, 1893.**

Foreign Office, August 31, 1893.

THE Earl of Rosebery, K.G., Her Majesty's Principal Secretary of State for Foreign Affairs, has received from Mr. Phipps, Her Majesty's Minister at Paris, the following Law issued by the French Government :—

(Translation.)

Law respecting the Sojourn of Foreigners in France, and the Protection of National Labour.—Fontainebleau, August 8, 1893.

THE Senate and the Chamber of Deputies have adopted :

The President of the Republic promulgates the Law, of which the tenour is as follows :—

ART. 1. Every foreigner, not being domiciled, arriving in a commune with a view to carry on a profession, trade, or industry there, must, within eight days of his arrival, make a declaration of residence at the " Mairie," proving his identity. For this purpose a register shall be kept for the immatriculation of foreigners in the form laid down by Ministerial Decree.

An extract from this register shall be delivered to the person making the declaration, in the same form as the certificates of civil status, and on payment of the same fees.

If the foreigner removes to another commune, he shall, within two days of his arrival, procure a *visa* of his certificate of immatriculation at the " Mairie " of his new residence.

2. Whoever shall knowingly employ a foreigner not possessed of the certificate of immatriculation shall be liable to ordinary police penalties.

3. Any foreigner who shall not have made the declaration prescribed by the Law within the time specified, or who refuses to produce his certificate at the first demand, shall be liable to a fine of from 50 to 200 fr.

Whoever shall knowingly make a false or incorrect declaration shall be liable to a fine of from 100 to 300 fr., and, if necessary, to temporary or indefinite expulsion from French territory.

Any foreigner expelled from French territory who shall return to it without the sanction of the Government shall be sentenced to

* "London Gazette," September 8, 1893.

imprisonnement for a term of from one to six months. After the expiration of his sentence he shall be reconducted to the frontier.

Article 463 of the Penal Code is applicable to the cases to which the present Law refers.

4. The proceeds of the fines established by the present Law shall be assigned to the municipal chest of the commune in which the foreigner condemned to pay the fine resides.

5. A delay of one month is accorded to foreigners to whom Article 1 is applicable, and who are now actually in France, in order that they may comply with the provisions of the Law.

The present Law, debated and adopted by the Senate and the Chamber of Deputies, shall be carried out as the Law of the State.

Done at Fontainebleau, the 8th August, 1893.

CARNOT.

By the President of the Republic:

CH. DUPUY, *President of the Council,*

Minister of the Interior.

E. GUÉRIN, *Keeper of the Seals, Minister of Justice.*

LOI de la République Française, sur la Marine Marchande.—
Paris, le 30 Janvier, 1893.

Le Sénat et la Chambre des Députés ont adopté;

Le Président de la République promulgue la Loi dont la teneur suit:—

TITRE I.—*Définitions.*

ART. 1^{er}. La navigation marchande se divise en navigation au long cours, au cabotage international et au cabotage Français.

Sont réputés voyages au long cours ceux qui se font au delà des limites ci-après déterminées:

Au sud, le 30° de latitude nord;

Au nord, le 72° de latitude nord;

A l'ouest, le 15° de longitude du méridien de Paris;

A l'est, le 44° de longitude du méridien de Paris.

Sont réputés voyages au cabotage international ceux qui se font en deçà des limites assignées aux voyages au long cours, s'ils ont lieu entre les ports Français, y compris ceux de l'Algérie, et les ports étrangers, ainsi qu'entre les ports étrangers.

Sont réputés voyages au cabotage Français ceux qui se font de ports Français à port Français, y compris ceux de l'Algérie.

TITRE II.—*Construction Maritime.*

2. En compensation des charges que le Tarif des Douanes impose aux constructeurs de bâtiments de mer, il leur est attribué les allocations suivantes :—

Pour les navires à vapeur ou à voiles, en fer ou en acier, 65 fr. ;

Pour les navires en bois de moins de 150 tonneaux ou plus, 40 fr. ;

Pour les navires en bois de moins de 150 tonneaux, 30 fr. ;

Par tonneaux de jauge brute totale calculée conformément aux Articles 1 à 12 du Décret du 24 Mai, 1873, et à l'Article 1^{er} du Décret du 7 Mars, 1889.

Sont considérés comme navires en bois les navires bordés exclusivement en bois.

Toute transformation d'un navire ayant pour résultat d'en accroître la jauge donne droit à une prime calculée conformément au Tarif ci-dessus d'après le nombre des tonneaux d'augmentation de la jauge.

3. En compensation des mêmes charges, il est attribué aux constructeurs de machines les allocations suivantes :—

Pour les machines motrices et les appareils auxiliaires, tels que pompes à vapeur, servo-moteurs, dynamos, treuils, ventilateurs mus mécaniquement, placés à l'état neuf à bord, des navires tant à voiles qu'à vapeur, ainsi que pour les chaudières à vapeur neuves qui les alimentent et leur tuyautage, 15 fr. par 100 kilogrammes.

La prime est accordée pour les machines motrices et les appareils auxiliaires mis en place à l'état neuf, ainsi que pour les parties neuves des machines qui subiraient des transformations ou des réparations pendant l'existence du navire.

Lors du changement de chaudières, la compensation est fixée à 15 fr. par 100 kilogrammes de chaudières neuves de construction Française.

4. Les primes déterminées par les Articles 2 et 3 ne sont définitivement acquises que lorsqu'il est justifié de la francisation du navire.

En ce qui concerne les navires construits en France pour les marines marchandes de l'étranger, les primes ne sont acquises que lorsque le navire a pris ses expéditions.

Un règlement d'administration publique déterminera les vérifications auxquelles il devra être procédé par une commission technique, pour s'assurer que le navire pour lequel la prime est réclamée est susceptible de faire un service régulier à la mer par ses propres moyens.

TITRE III.—*Navigation Maritime.*

5. A titre de compensation des charges imposées à la marine marchande pour le recrutement et le service de la marine militaire,

il est accordé, à partir de la promulgation de la présente Loi, une prime de navigation à tous les navires de construction Française de plus de 80 tonneaux bruts pour les navires à voiles et de plus de 100 tonneaux bruts pour les navires à vapeur.

Cette prime s'appliquera pendant dix années, à partir de leur francisation, aux navires construits en France pendant la durée de la présente Loi.

Elle est attribuée exclusivement à la navigation au long cours et à celle au cabotage international.

Sont exceptés de la prime : les navires affectés au cabotage Français, à la grande et à la petite pêche, aux lignes subventionnées par l'État, et à la navigation de plaisance.

Toutefois, tant que les nations qui bénéficient d'un traitement de faveur seront admises à faire naviguer leurs navires entre la France et les ports d'Algérie, ou *vice versa*, les navires Français qui effectueront cette navigation auront droit aux avantages stipulés dans la présente Loi en faveur du cabotage international.

Sont également exclus de la prime : les navires se livrant au cabotage Français qui touchent à des ports étrangers sans y débarquer ou embarquer des marchandises représentant en tonneaux d'affrètement le tiers au moins de leur tonnage net, ainsi que les navires exécutant un parcours entre un port Français et un port étranger distant de moins de 120 milles.

6. La prime aux navires construits à l'étranger est et demeure supprimée.

La prime déterminée par l'Article 5 est fixée par tonneau de jauge brute totale, calculée conformément aux Articles 1 à 12 du Décret du 24 Mai, 1873, et à l'Article 1^{er} du Décret du 7 Mars, 1889, et par 1,000 milles parcourus, pour tous les navires de construction Française :—

A 1 fr. 10 c. pour les navires à vapeur, avec décroissance annuelle, à partir de leur construction ; de

6 centimes pour les navires en bois ;

4 centimes pour les navires en fer ou en acier ;

Et 1 fr. 70 c. pour les navires à voiles, avec décroissance annuelle, à partir de leur construction ; de

8 centimes pour les navires en bois :

6 centimes pour les navires en fer ou en acier.

Les navires francisés avant la promulgation de la Loi du 29 Janvier, 1881, sont assimilés, pour la prime, aux navires de construction Française.

Les navires de construction étrangère francisés après la promulgation de la Loi du 29 Janvier, 1881, et avant le 1^{er} Janvier, 1893, ne recevront que la moitié de la prime.

Les navires faisant la navigation au cabotage international ne

reçoivent que les deux tiers de la prime. Les navires faisant cette navigation et francisés avant le 1^{er} Janvier, 1893, sont assimilés pour cette prime aux navires de construction Française.

Le nombre des milles parcourus est évalué d'après la distance comprise de port à port entre les points de départ et d'arrivée, mesurée sur la ligne maritime la plus directe suivant les méthodes de calcul et avec le degré d'approximation qui seront déterminés par un règlement d'administration publique.

7. La prime est augmentée de 25 pour cent pour les navires à vapeur construits sur des plans préalablement approuvés par le Département de la Marine.

En cas de guerre les navires de commerce peuvent être réquisitionnés par l'État.

Tout capitaine de navire recevant l'une des primes fixées par l'Article 6 de la présente Loi est tenu de transporter gratuitement les dépêches et en général tous les objets de correspondance qui lui seront confiés par le Ministre du Commerce pour le service des postes ; il fera prendre et remettre les dépêches dans les bureaux de poste du lieu de son départ ou des ports d'escale de sa route, ainsi qu'au lieu de sa destination. Ces transports seront gratuits.

Le capitaine sera tenu également de se charger des colis postaux dans les conditions prévues par les lois et règlements sur la matière.

Il encourra, à l'occasion de ces transports, la même responsabilité envers l'Administration des Postes que cette Administration elle-même vis-à-vis du public.

Si un agent des postes est désigné pour accompagner les dépêches, il sera également transporté gratuitement sur tout le parcours, ainsi qu'entre les lieux d'embarquement et de débarquement et les bureaux où s'effectue l'échange des dépêches.

Un local convenablement approprié sera mis à sa disposition pour le travail des correspondances en route.

TITRE IV.—*Dispositions diverses.*

8. La franchise du pilotage est accordée à tous les navires Français à voiles ne jaugeant pas plus de 80 tonneaux et aux navires Français à vapeur dont le tonnage ne dépasse pas 100 tonneaux, lorsqu'ils font habituellement la navigation de port en port et qu'ils pratiquent l'embouchure des rivières.

Toutefois, sur la demande des Chambres de Commerce ou des intéressés, et après une instruction faite dans les formes ordinaires, des règlements d'administration publique détermineront les améliorations qu'il y aura lieu d'apporter aux règlements actuels dans l'intérêt de la navigation.

9. Pour les navires au long cours, la visite prescrite par l'Article 225 du Code de Commerce pour un chargement nouveau pris en France ne sera obligatoire que s'il s'est écoulé plus d'un an depuis la dernière visite, à moins toutefois qu'ils n'aient subi des avaries.

10. Les actes ou procès-verbaux constatant les mutations de propriété des navires, soit totales, soit partielles, ne seront passibles, à l'enregistrement, que du droit fixe de 3 fr. L'Article 5, No. 2, de la Loi du 28 Février, 1872, est abrogé en ce qu'il a de contraire à la présente disposition. Les dispositions du présent Article sont applicables aux ventes de bateaux de toute nature servant à la navigation intérieure.

11. Le paragraphe 3 de l'Article 4 de la Loi du 19 Mai, 1866, sur la marine marchande est modifié ainsi qu'il suit :—

“ Article 4, § 3. Des Décrets rendus en la forme des règlements d'administration publique, sur le rapport du Ministre du Commerce de l'Industrie et des Colonies, après enquête et après avis des Ministres des Travaux Publics et des Finances, peuvent établir dans un port maritime des péages locaux temporaires pour assurer le service des emprunts contractés par un Département, une commune, une Chambre de Commerce ou tout autre établissement public, en vue de subvenir à l'établissement, à l'amélioration ou au renouvellement des ouvrages ou de l'outillage public d'exploitation de ce port et de ses accès, ou au maintien des profondeurs de ses rades, passes, chenaux et bassins.

“ Ces péages sont payables par les navires tant Français qu'étrangers, en raison de leur tonnage de jauge, des quantités de marchandises et du nombre des voyageurs embarqués et débarqués ; ils ne peuvent dépasser 1 fr. par tonneau de jauge nette légale ; 1 fr. par voyageur, et 50 centimes par tonneau d'affrètement ou par tonne métrique de marchandises.

“ Les tarifs peuvent comprendre des péages par tonneau de jauge gradués suivant l'espèce du navire, son tirant d'eau, la durée de son stationnement dans le port, le genre de navigation, l'éloignement du pays d'expédition ou de destination, la nature de la cargaison du navire, les opérations faites par lui dans le port au cours d'une escale. Ils peuvent établir des prix réduits d'abonnement ou des exemptions totales ou partielles en faveur de certaines catégories déterminées de navires, tant Français qu'étrangers.

“ Ils peuvent spécifier des péages par unité de trafic différents à l'embarquement et au débarquement suivant les diverses natures de marchandises ou les diverses catégories de voyageurs.

“ Les tarifs de péages institués conformément au présent Article ou des péages similaires en vigueur peuvent être modifiés avec ou sans conditions, dans les limites des maxima fixés par les Décrets

ou les Lois qui les ont institués, sur la proposition des établissements publics au profit desquels ils sont perçus.

“Les Tarifs modifiés ne peuvent entrer en vigueur qu’après avoir été portés à la connaissance du public pendant un mois par voie d’affiches, et lorsqu’ils ont été homologués par le Ministre du Commerce, après avis des Ministres des Travaux Publics et des Finances.

“Les péages locaux sont recouverts par l’Administration des Douanes.

“Ils sont assimilés aux droits de douane pour la forme des déclarations, le mode de perception et notamment le recouvrement par voie de contrainte, le mode de répression des contraventions, les règles de compétence et de procédure en cas de contestation sur l’application des tarifs. Toute contravention donnera lieu au paiement d’une amende égale au double du péage compromis.

“Les frais de perception et de procédure sont prélevés sur le produit des péages.”

12. Il est prélevé sur le montant des primes instituées par les Articles 2, 3, 6, et 7 de la présente Loi une retenue de 4 pour cent qui sera versée à la caisse des invalides de la marine.

Le produit de cette retenue sera affecté :—

1. A l’allocation de secours aux marins Français victimes des naufrages et autres accidents, ou à leurs familles ;

2. A des subventions aux Chambres de Commerce ou à des établissements d’utilité publique, pour la création et l’entretien, dans les ports Français, d’hôtels de marins destinés à faciliter à la population maritime le logement, l’existence et le placement, ou de toutes autres institutions pouvant leur être utiles.

13. La durée de la présente Loi est fixée à dix années à partir de sa promulgation.

Un règlement d’administration publique déterminera les conditions de son application.

La présente Loi, délibérée et adoptée par le Sénat et par la Chambre des Députés, sera exécutée comme Loi de l’État.

Fait à Paris, le 30 Janvier, 1893.

CARNOT.

Par le Président de la République :

JULES SIEGFRIED, *Ministre du Commerce,*
de l’Industrie et des Colonies.

VICE-AMIRAL RIEUNIER, *Ministre de la Marine.*

P. TIRARD, *Ministre des Finances.*

VIETTE, *Ministre des Travaux Publics.*

*BRITISH NOTIFICATION respecting Law of the Netherland Government on the Subject of Nationality.—London, August 10, 1893.**

Foreign Office, August 10, 1893.

THE Earl of Rosebery, K.G., Her Majesty's Principal Secretary of State for Foreign Affairs, has received a note from Count de Bylandt, Netherland Minister at this Court, requesting that the following notice may be inserted in the "London Gazette":—

Notice.

The attention of Netherland subjects residing in the United Kingdom is hereby called to the provisions of the Law of the 12th December, 1892,† relating to Netherland nationality and domicile, and especially to the importance to those who wish to retain their Netherland nationality of giving the notices referred to in that Law. It is requested that all such notices be given by Netherland subjects, verbally or in writing, to the Netherland Consular officer of the place in which they reside, or, if there be no such Consular officer, then to the Netherland Consulate-General in London, No. 40, Finsbury Circus, E.C.

REPORT by Sir Gerald Portal on Uganda.—November 1, 1893.‡

Sir G. Portal to the Earl of Rosebery.—(Received December 6.)

MY LORD,

Zanzibar, November 1, 1893.

IN my despatches of the 24th May I endeavoured to lay before your Lordship (1) a description of the road and country intervening between Uganda and the coast; and (2) some account of the state of affairs which I found upon arrival. I now propose to explain the solutions of the whole question which I venture to submit for your Lordship's consideration.

The factors of the whole Uganda question may be summed up as follows:—

1. A country lying 800 miles from the coast, with no natural means of communication now open, such as waterways, &c.

2. A fertile soil.

* "London Gazette," August 11, 1893.

† Vol. LXXXIV, page 663.

‡ From Parliamentary Paper "Africa No. 2 (1894)."

3. A temperate climate.

4. A strategical position of great natural importance, dominating the northern and western shores of Lake Victoria, holding almost the only access to Lakes Albert and Albert Edward, and controlling the head waters of the Nile.

5. A race of people of much higher intellectual development and civilization than any other Central or East African tribe.

6. A Monarchy, nominally absolute and despotic, but actually shorn of much of its authority.

7. A King of weak moral character and innate cruelty, who has already at different times professed three different religions.

8. An almost superstitious reverence on the part of a considerable proportion of the peasantry for the family and person of the King.

9. The division of the whole population into three distinct and mutually hostile political and religious parties.

10. The presence of and influence, both religious and political, exercised by a considerable number of European missionaries, Catholic and Protestant.

11. The firm hold taken by Christianity on the country.

12. The hostility of Mahomedanism on the north side among the Mahdists, and on the south and south-west among the Arabs, Manyuema, &c., of Tabora, Tanganyika, and the Upper Congo.

13. The exhaustion of the country by a series of desperate civil wars, following on wholesale massacres by the present and late Kings.

14. The attempted administration of the country by the Imperial British East Africa Company, and the publicly acknowledged failure of the attempt.

15. The existence of many pledges and Treaties, made by that Company's officials, which it has been unable to implement.

16. The impression under which the King, Chiefs, and people laboured, that these pledges and Treaties were of the same value as though they had been accorded by Her Majesty's Government.

17. The neighbourhood of the jealous country of Unyoro on the northern frontier, rich in ivory, of almost equal power with Uganda, with a King hostile to European influence, and said to have been recently joined by a remnant of the Soudanese troops which revolted from Emin Pasha in the Equatorial province.

18. The existence of a demand among the people of Uganda for European commodities and comforts, but a great antipathy among all but the lowest classes to work of any sort.

19. The absence of any natural product except ivory, and, possibly, coffee, which would pay for exportation under present circumstances.

20. Great neglect, up to the present, of the road between Uganda and the east coast, and the failure of the Imperial British East Africa Company to effect any improvement in the means of transport of goods, which is now dependent on human portorage, and costs nearly 300*l.* a-ton.

21. The presence of a large number of Soudanese, consisting of some 500 partly trained and armed soldiers, with nearly 6,000 women, children, and followers, who were brought, part into the country and part to its western frontier, from Kavalli by the Company's officers.

22. The hatred and terror inspired by these Soudanese ex-soldiers, and the deeds of cruelty practised upon native men and women by that portion of them who were left by the Company, unpaid and uncontrolled, on the western frontier of Uganda.

23. The danger, or indeed, the certainty, of an almost immediate resuscitation of slave-raiding and slave-trading in the event of the withdrawal of European control.

24. The existence of a possible line of communication by a chain of lakes to the mouth of the Zambezi.

Of these factors, to which might be added several others of minor importance, those of a purely economic character would appear to weigh on the side of evacuation, since no hope need be entertained of Uganda being able, at all events for some years to come, to defray the cost of its occupation; while those of a philanthropic or strategical nature may be quoted in favour of the maintenance of some form of British preponderance.

The possible solutions of the whole question appear to me to be five in number:—

(1.) Evacuation, pure and simple.

(2.) The transfer of Uganda and the sphere of influence to Zanzibar.

(3.) Administration by Zanzibar as a tenant of Her Majesty's Government.

(4.) Direct administration by Her Majesty's Government.

(5.) A compromise between the last three, by which the English sphere of influence may be maintained, with the help of Zanzibar, at as small a cost as possible to both countries.

In considering the course to be adopted, the first question which submits itself is that of the responsibility of Her Majesty's Government for Treaties concluded by a Chartered Company, and subsequently approved by the Secretary of State. Of this nature are, I believe, the Treaties concluded with various Chiefs on the east and west sides of Uganda proper. Some of these Chiefs, the stronger ones, would perhaps be ready to give their consent to the abrogation of these Treaties, but the weaker ones would not be so willing,

and all of them probably entertain hopes of advantages to accrue to them from the protection which was promised.

I am bound to report that, whether rightly or wrongly, the impression conveyed to the different native Chiefs and peoples in this region, when they signed Treaties and received in return the Company's flag and promise of protection, was that they were thereby placing themselves under the protection of the Government of Great Britain. Even among the more intelligent people of Uganda the same belief obtained, and until the matter was explained to them on my arrival in a way not to be misunderstood, Mwanga himself, the Chiefs of his Council, and the whole mass of the people thought that they were under British protection, and that the flag flown by the King was the flag of England. As a matter of fact, ever since his restoration by the Company's officers in March 1892, Mwanga has flown the English blue ensign; and as shortly after my arrival I refused to accede to his demand for a Union Jack, he continues to fly the same flag.

Since this impression undoubtedly prevails, it must be clearly understood that the withdrawal of all English control from Uganda and the surrounding countries would mean that the trust of these peoples in English promises and English credit, which has hitherto formed a marked contrast with their opinions of other European countries, would be so completely broken that any future extension of British private enterprise or trade in those regions will be impossible, except by force of arms, until confidence may be restored in a future generation.

There is another and equally serious aspect of the question which must not be lost sight of in considering the whole subject. Everything, I fear, seems to point to a desperate and, perhaps, long-continued struggle in the centre of Africa, between the advances of European civilization from the coasts on the east and west, and the old class of Arab traders who are being driven back to the neighbourhood of Lake Tanganyika, the north end of Nyassa, the upper waters of the Congo, and the south-west side of the Victoria Nyanza. This struggle may take the form of a series of petty individual revolts and skirmishes, or it may result in a crusade of the forces of Christianity against the whole creed of Islam in Central Africa. In determining both the nature and the result of this contest the position of the Christian country of Uganda is of vital importance. Even now it is known that frequent communications pass from the Arabs of Tanganyika and Tabora to the fanatical Mahomedans at Wadelai and along the White Nile, as well as to the nearest and most dangerous neighbour of Uganda, Kaba-Rega, King of Unyoro. So long as Uganda is under European supervision there is little or no danger of these probable disturbances spreading

from south to north, but I fear that the withdrawal of the present control, and the consequent loss of prestige, might have consequences which, if our place is not at once taken by some other European Power, would imperil much of the admirable work done in Uganda by Catholic and Protestant missionaries alike, would shake the position of Europeans throughout East and Central Africa, and would react seriously in the neighbouring Colonies of Germany, Italy, and the Congo State.

Any one of these countries, and more especially the first named, would be fully justified, in their own self-defence, in insisting that on our withdrawal our place should at once be taken by some other European Power. In the present condition of African evolution it is hardly possible that Uganda, the natural key to the whole of the Nile Valley and to the richest parts of Central Africa, and the only country which offers any present hope of profitable commerce, should be left unprotected and unnoticed by other Powers because an English Company has been unable to hold it, and because Her Majesty's Government have been unwilling to interfere.

With regard to the effect, in Uganda itself, of a complete evacuation, I have the honour to report that King Mwanga, his Katikiro or Vizier, and many of the leading Protestant Chiefs, have informed me that in such case they would leave Uganda at the same time with all their people, and ask our assistance to enable them to settle in the neighbouring country of Usoga. Not only would such an exodus be disastrous for Uganda, and for such of the Protestants as elected to run the risk of remaining in the country, but it would also be rather hard on the people of Usoga to be compelled to support such an inroad of Uganda Christians. That evacuation would be quickly followed by a recommencement of civil war is, I think, almost certain, and I am supported in this opinion by both the Protestant and the Catholic Bishops, each of whom has written me a letter, copies of which are herewith inclosed, expressing themselves on this point in the clearest manner. In order to form some idea of the savage nature of such a war, of the deeds of bloodshed and of nameless barbarity which would infallibly be perpetrated, I need only refer your Lordship to the history of Uganda for the last eight years.

Another difficult question arises as to the disposal, in case of evacuation, of the Soudanese troops brought into Uganda by the Company's representatives. These troops number rather more than 500, but their women, children, and followers amount to nearly 6,000. They were so great a danger on the frontier of Uganda, and were committing so many acts of atrocity in the raids which they were forced to make for food while they were unpaid by the Company, that I thought it best to engage 500 of the men as

soldiers, and to bring half of them to Kampala and Port Alice, placing them all under strict discipline. I would remark here that these men, under good officers, make excellent soldiers. They are the material from which the best Egyptian battalions are formed. They are engaged at an exceptionally low rate of pay—only 4 rupees per month for a private soldier—and their presence in Uganda enabled me to take away with me four-fifths of the more expensive, but much less efficient, Zanzibar soldiers who accompanied me from the coast. If these Soudanese are left behind on our retirement they are capable of over-running the whole of Uganda, and it must be remembered that, in this respect, evacuation would not leave Uganda in the same condition in which it was found on the arrival of the Company. The presence of these men, good soldiers when paid and controlled by European officers, but untrustworthy when unpaid and left to take care of themselves, is a new complication, which has been introduced since the first interference of the English Company in the affairs of the country.

The strategical value of the position of Uganda, as controlling the head-waters of the Nile and the three great lakes of Victoria, Albert, and Albert Edward, can perhaps be better estimated in England than in Uganda; this is, moreover, a question of wide and general policy which it is outside my province to discuss.

I may, however, be allowed to call attention to the fact that an evacuation of Uganda means a great deal more than a mere withdrawal of a few officers and a flag from a distant and partly-known country in Central Africa. It means, practically, the renunciation of the whole of that vast territory reserved by the Anglo-German Convention for the sphere of British influence. The country lying between Lake Victoria and the east coast is valuable chiefly as being the road to Uganda, and the evacuation of the latter would soon be recognized as being equivalent to the restriction of British influence and British commerce to the coast-line and to the ports of the Zanzibar Sultanate.

So long as the race of Waganda continue to exist as a homogeneous people, they must, in virtue of their higher civilization and of their greater intelligence and initiative, occupy a leading position among the natives of Central Africa, and the European Power which exercises a controlling influence over Uganda will ultimately be able to control the politics and to guide the commerce of an immense section of the richest part of the continent. I have already stated the reasons for my conviction that the withdrawal of English influence must be followed by the establishment of the control of some other European Power, and I venture to repeat that such control would almost inevitably extend, not only over Uganda and its immediate dependencies, but would embrace all

the neighbouring countries, the great lakes, the Nile Valley, and the natural highways of the interior. The control of Uganda means, in the course of a few years, a preponderance of influence and of commerce in the richest and most populous section of Central Africa; a withdrawal from Uganda entails, besides the legacy of war and bloodshed left to that country itself, a renunciation on the part of England of any important participation in the present work of development, in the suppression of slavery, and in the future commerce of East and Central Africa.

For the above as well as for other reasons which need scarcely be detailed here, I venture to submit to your Lordship that all question of a complete evacuation of Uganda, at all events for the present, should be set aside.

2. To intrust the management of Uganda and of the whole sphere of influence to Zanzibar, under the guidance of Her Majesty's Consul-General, is a scheme which, at first sight, appears to have some advantages. It would relieve Her Majesty's Government of some responsibilities and expense, and would keep these countries open to British commerce.

On the other hand, this plan is open to several grave objections. In the first place, I do not consider that Zanzibar is as yet strong enough to undertake this task unsupported. Either the control exercised would be insufficient, or else Zanzibar would become involved in pecuniary difficulties, from which she would expect eventually to be extricated by English help.

Secondly, it will be readily understood, from what I have said above, that to replace a Christian by a Mahomedan flag in these countries would not only dangerously excite the Christians of Uganda, but would have a bad effect throughout Central and Eastern Africa, and might lead to serious complications.

Thirdly, if the Hinterland were to become part of Zanzibar, the East Africa Company, even were they to resign their Charter, would continue to hold their Concession of the coast from the Sultan of Zanzibar, and would perhaps claim import and export duties on all goods passing through the Zanzibar ports, though such a claim would be open to discussion. This would unduly enrich the Company at the expense of Zanzibar, and it is, I believe, now generally admitted that the experience of the last five years has not shown that it is desirable that the Company should be encouraged to continue its existence as an administrative body. The Zanzibar authorities in the interior would be forced, in self-defence, either to claim free transit for their goods through the German territory, or to avoid their own ports on the coast, and to find a new outlet beyond the limits of the Company's Concession.

3. The third suggestion, that Zanzibar should take over charge of Uganda and the sphere of influence as the tenant of Her Majesty's Government, and under the English flag, has more to recommend it. The difficulty about the flag would partly disappear, but the Sultan of Zanzibar would probably claim that his flag should fly with or below that of England. But this scheme would only nominally take the responsibility off the shoulders of Her Majesty's Government; a constant supervision, both financial and political, would have to be exercised by Her Majesty's officers, on whom would lie the real onus of administration or control of these regions, and it is to be feared that Zanzibar has not yet had time for the consolidation of sufficient resources or force for such an extension of its responsibilities. It should be remembered that less than two years ago the Government of Zanzibar was an Arab despotism of the worst class, with all its usual accompaniments of oppression, extortion, misappropriation of funds, and general insolvency. In order to gain sufficient elasticity to enable it to undertake such a duty with a fair chance of success, Zanzibar will require some three or four years more of careful tutelage. If the attempt were to be made now, it is probable that Her Majesty's Government would soon be called upon for pecuniary assistance.

4. The fourth suggestion is that the direct administration of Uganda should be undertaken by Her Majesty's Government. This is the solution which would recommend itself most strongly to the missionaries, and even to many among the Waganda themselves. I regret, however, that after a careful examination of the country, I am unable to recommend it for the acceptance of Her Majesty's Government. So many English officers would be required for the conduct of such an administration, so great would be its expenses, and so inadequate, at all events for several years to come, its returns, that the advantages conferred upon Uganda by such a system could hardly, it appears to me, be commensurate with the sacrifices made by England. The people of Uganda, from highest to lowest, are essentially conservative in their instincts; my preceding despatches have shown that they already have a constitutional and executive machinery of their own, however defective; and so long as sufficient supervision is exercised to prevent acts of gross oppression and cruelty, and to protect the lives of Europeans, I am of opinion that it would be better on every account to leave the native King and Chiefs to conduct their own administration.

5. The fifth course which remains open, and which I have described as a compromise between the last three, is that, by the appointment of Commissioners with a sufficient staff and force at their disposal to insure their safety, their political ascendancy, and

the security of the other Europeans living in these countries, Her Majesty's Government should maintain a control over the sphere of influence, while making all possible use of any Zanzibar surplus or credit for the further development of the whole region for the mutual benefit of English commerce and of Zanzibar.

Whether the whole region should be officially declared to be an English Protectorate appears to me to be a question of minor immediate importance. There is, however, no doubt that King Mwanga will ask for a Treaty of Protection; in fact, he has already done so in the temporary Agreement made between him and myself on the 29th May,* and forwarded to your Lordship in my despatch of the same date. A declaration of Protectorate would probably prove to be the simplest course.

Before continuing the development of this idea, I venture to submit that the success or failure, and, indeed, the possibility, of any scheme on these lines for the general benefit of England, Uganda, and Zanzibar, must depend very largely upon the powers retained and the attitude adopted by the Imperial British East Africa Company on the whole question. Without entering into details, I may be allowed to point out that the political existence and powers of this Company in East Africa are based upon two separate documents. The first of these, which should be more accurately described as a series of documents, is a Concession from the Sultan of Zanzibar granting to the Company the lease of certain ports on the coast, and of a strip of land, 10 miles in depth, running parallel with the shores of the Indian Ocean. The Sultan gave to the Company at the same time administrative and judicial powers over his own subjects living in these ports or in this strip of land, and conceded to them all the revenue which the Company might be able to collect in this part of his dominions from customs duties or other sources, subject, of course, to the limitations imposed by international agreements. In return for these concessions the Company agreed, after much discussion and negotiation, and after most careful computations of the value of their newly-acquired rights and territories, to pay to the Sultans of Zanzibar an annual rental of 80,000 dollars, which was equivalent at the time to nearly 14,000*l.*, but which is now worth rather less than 11,000*l.*

The powers thus acquired from the Sultan of Zanzibar were strictly limited to the boundary-line 10 miles from the sea, beyond which the Sultan's possessions do not extend. The rights and duties of the Company in the interior, as soon as the 10-mile limit is passed, are therefore defined by and dependent on the Royal Charter granted to them on the 3rd September, 1888.† Without recapitulating the terms of this Charter, it may fairly be said that

* Page 83.

† Vol. LXXIX, page 641.

it was granted to the Company in order to enable them to establish organized systems of administration and government in the interior, to promote trade, and generally to "open up" the country. Under the powers conferred upon them by this Charter, the Company endeavoured to establish an Administration in Uganda and the neighbouring countries, and made Treaties promising their protection to many Chieftains of different tribes. The only other district outside the Sultan's territory, in which any attempt was made to establish any sort of Government, was in the English Protectorate of Witu.

It appears to me to be not only important, but even necessary, before any scheme can be entertained for dealing with Uganda and its neighbouring countries, whether by Her Majesty's Government or by the Sultan of Zanzibar, that a clear understanding should, in the first instance, be come to as to the present and future status of the Company, both under their Charter and their Concessions. As regards the Charter, the Company have already withdrawn from Toru, Ankori, Uganda, Usoga, Kavirondo, &c., without notifying to the Kings or Chiefs of these countries any denunciation of the Treaties made with them, under which the Company promised protection in return for certain commercial advantages, and without giving to the Signatories of these Treaties any warning of their approaching retreat.

Similarly, the Company have now abandoned Witu; so that the only posts they now hold in virtue of their Charter are (1) the fort at Kikuyu, where constant difficulties with the natives have hitherto prevented the introduction of any real administration, and (2) the smaller station at Machakos, at which an English employé is reported to have succeeded in organizing some trade in corn and cattle with the local tribesmen, and in establishing a growing influence. But neither of these places are of any commercial or political value except as stations on the road to Uganda and the Lake districts. In fact, I have been given to understand, though with what justice I do not know, that the Company contemplate a retreat even from these, their last posts in the interior of Africa. But even assuming that they propose to retain their garrisons at these places, the question which now naturally arises is, whether the possession of these two small posts within 350 miles of the coast is a sufficient result for the five years which have elapsed since the Charter was granted to justify the Company in retaining that Charter any longer? So long as they do retain it, they prevent any one else from undertaking the work which they have thrown down. If the Uganda question is to be settled by a co-operation of any sort or kind between the Governments of Her Majesty and of the Sultan of Zanzibar, it is natural that the latter at least should ask for a *tabula rasa* before incurring any fresh responsibilities in East Africa.

The case as regards the strip of coast-line held by the Company under Concessions from the Sultan is somewhat different. So long as the former continue to pay their rent with regularity, they have an undoubted right to retain their rights of administration; but I have no hesitation in saying that while it is open to doubt whether such retention will be to the advantage either of the Company or of the Sultan, there can be no question that it will be to the great disadvantage of the countries lying in the interior which form more particularly the subject of this Report. So long as the Company retain their Concession, it will be in no way to the interest of Zanzibar to contribute to the prosperity of its own coast-ports for the sole benefit of the Company; the efforts of the Sultan's Government would, therefore, in all probability, have to be directed to the somewhat clumsy expedient of opening a new road to the interior by the Tana River, which should pass outside the limits of the Company's Concession. In fact, the Sultan's Government, which is a factor of no little importance in the whole question, would be thrown into an anomalous position of opposition to its own ports; it would be a direct gainer by the development of a new port in Witu and by the transport of goods by the Tana River outside the Company's Concession, and it would also profit, though in a less degree, by the conveyance of the Uganda trade through German ports and the German sphere; but the increase of trade from Mombasa, while that town is under the Company's jurisdiction, would be looked upon by the Sultan and Arabs of Zanzibar, as well as, from a more practical point of view, by the fiscal authorities of the Zanzibar Government, as a misfortune rather than a benefit. If, therefore, the Company retain their Concession, it will be difficult to justify any demand being made upon Zanzibar for assistance in developing any scheme of improvement of the interior.

Nor can I imagine that the retention of the administration and fiscal powers conferred by the Concession will be of much advantage to the Company themselves. Now that they have renounced any connection with Uganda and the neighbouring countries, any trade with those countries passing through the Company's ports will presumably be treated as goods "in transit," and will be, therefore, free from any customs or transit duties at the coast. Article IV of the Act of Berlin (1885)* lays down that—

"Merchandise imported into these regions," *i.e.*, a wide zone extending, roughly speaking, from 5° north latitude to 12° south latitude, "shall remain free from import and transit dues."

The Declaration annexed to the Act of Brussels of 1890† modifies this Article in so far as it provides for the imposition of import duties, but the exemption from taxation of any kind of all goods in

* Vol. LXXVI, page 4.

† Vol. LXXXII, page 55.

transit is carefully maintained. Article XCVI of the same Act provides against any evasion of its provisions by declaring that "the present General Act repeals all contrary stipulations of Conventions previously concluded between the Signatory Powers."

It appears from these Articles to be perfectly clear that goods destined for Uganda, or for any country in the interior not under the flag of the Sultan of Zanzibar, have an indisputable right to pass through the coast ports without the payment of any duty or tax whatsoever. But if, for any reason at present unknown to me, the principle of free transit, established by the General Acts of Berlin and Brussels, cannot be carried into effect, and if the right can be proved to levy taxes on goods declared to be in transit to countries beyond their jurisdiction, even then the English Company would scarcely be the gainers. If the taxes have to be paid, the route through the German sphere is, at present, the cheaper and quicker of the two; but all payment of such taxes would be avoided by the use of a port in the English Protectorate of Witu, outside the Company's Concession, and by the development of the route to Uganda by the Tana River.

If, however, it is finally decided that the Company retain either their Concession of the coast ports or their Charter, as the general feeling and attitude of native tribes all along the road to Uganda will now be of direct interest and importance to Her Majesty's Government, I would recommend that the appointment by Her Majesty's Government of a Commissioner with a suitable staff in Uganda should be supplemented by the appointment of other officers to watch and report on the dealings of the Company's officers with the native tribes, whether at Kikuyu, Machakos, or on the coast.

It is, however, scarcely necessary to point out that the situation established by any such system as that sketched above would be fraught with many difficulties. A kind of ill-defined and irregular partnership would have been established between Her Majesty's Government, the East Africa Company, and the Sultan of Zanzibar, each of whom, while theoretically working for the same object—the development of East Africa—would, in reality, be working for their own hand, and in opposition, either open or secret, to the interests of the other partners. The position of Her Majesty's Government would perhaps be wanting in dignity; that of the Sultan of Zanzibar, who would be thrown into opposition to his own ports and his own tenants, would be anomalous and uncomfortable; while the Company, in their efforts to combine commerce and administration, and to make the exercise of their powers financially profitable, would probably find themselves in occasional opposition both to the Sultan of Zanzibar and to the Representatives

of Her Majesty's Government in the interior. It is unnecessary to insist upon the complications which would inevitably ensue. It is enough to say that the situation thus created would, in all probability, effectually prevent any real progress being made, and would render almost futile all the expense which has been and may be incurred in this district.

In view of these considerations, and of the urgency of now arriving at a settlement of the whole East African question on a basis which offers, at least, some prospect of being definite and permanent, I venture to express my strong opinion that it is now desirable, in the interests of British commerce and of the whole of East Africa, from the Indian Ocean to the Nile Basin, that some arrangement should be arrived at, without further delay, by which the Imperial British East Africa Company shall cease to exist as a political or administrative body, either in the interior or within the limits of the Sultan's territory.

Without wishing to criticise, and still less to blame, the Company's methods of government, the history of British East Africa for the last five years and its present condition show us clearly that the experiment of combining administration and trade in the same hands has proved a failure, so far as this part of Africa is concerned; and that the sooner this system is discontinued the better it will be for the native races, for British commerce, for Zanzibar, and, as I believe, for the Company itself. As pioneers, the Company's officers have done good work, and have greatly increased our knowledge of East Africa, and there can be no doubt that a great deal of money has been spent in the hope of opening up the country to civilization and, at the same time, of introducing a profitable trade. In fact, to the founders of the Company belongs the sole credit of the acquisition, for the benefit of British commerce, of this great potential market for British goods. It should, moreover, be remembered, in justice to them, that in the face of many initial difficulties they succeeded, in marked contrast to the neighbouring European colonies, in establishing their influence without bloodshed, and by their own unaided efforts. It does not come within the scope of this Report to examine the reasons for the non-realization of all these hopes.

Should the Imperial British East Africa Company be converted into a commercial, agricultural, or transport Company, or into a combination of Companies occupied with these and similar undertakings, they may still contribute in a very important degree, and, as I believe, to their own pecuniary advantage, to the development of East Africa; and in this work there can be no doubt that their experience of the country, and their command of capital, would be of the greatest service: but, without going further into

the administrative history of late years, and without recapitulating a quantity of reasons, many of which are, indeed, self-evident, I feel bound to submit to your Lordship that as a political Corporation with powers of government, whether over British subjects or natives of Africa, the work of the Imperial British East Africa Company may now be looked upon as ended.

As regards the withdrawal, cancelment, or resignation of the Royal Charter granted by Her Majesty in Council in 1888, there would, I imagine, be but little difficulty, especially since the Company have now, of their own accord, practically resigned their rights acquired under this Charter, by relinquishing any connection with the interior elsewhere than at the two small posts above mentioned; but in surrendering their Concessions, obtained at various times from the Sultans of Zanzibar, the Company would be fairly entitled to receive from the Sultan adequate compensation for such actual improvements as they may have made within the territories of the Sultanate.

If Zanzibar re-enters upon the possession of its own ports on the coast, it would then be to the interest of the Sultan's Government to co-operate in the work of civilization and development of the interior.

In this case the proposals which I have the honour to submit are as follows :—

1. An English Commissioner to be appointed for Uganda and its Dependencies and neighbouring countries as far as the eastern border of Kavirondo, with a staff of thirteen English officers (provision for officers on leave included), and a force of 500 Soudanese soldiers. The proposed distribution of the officers and men is shown in detail in Inclosure No. 3 to this despatch. In case the number of officers should appear to be excessive, I would remind your Lordship that the experience both of the East Africa Company and of the neighbouring German Colony has shown us that it is most undesirable, in these countries, ever to have less than two Europeans together in any post. As regards the number of men required, I do not think that, in view of the excited state of popular feeling which is kept alive by the presence of two rival parties of European missionaries, any smaller force would, for the present at all events, be sufficient to control the situation. In any case I have every hope that, should the country remain quiet, it may be found possible to organize and drill a small body of native Waganda as police or soldiers, who may prove eventually to be the nucleus of a larger force of the greatest value in the future history of East and Central Africa.

It would be the duty of the British Commissioner to insure the safety of Europeans living in Uganda, who would be required,

if necessary, to come into his forts for their protection; to assist in repelling the invasion of any foreign enemy; to prevent and suppress civil war and rebellion, whether religious or otherwise, if, in his opinion, the King is unable to deal with such rebellion by himself; to collect customs duties; to encourage commerce, and to repress slavery and the Slave Trade. It would be no part of his duty to interfere in the details of the administration of the country, except where Europeans or other foreign subjects are concerned, or in any cases of gross cruelty, injustice, or of slave-trading which might be brought under his notice.

Neither the Commissioner nor any of his officers should be allowed to engage in trade of any sort, either on their own behalf or in the name of the Government. The system under which, in the days of the Company's occupation, the protecting Power arrogated to itself not only the supreme executive authority, but also a practical, if not a theoretical monopoly of trade, has been proved to have had a thoroughly bad effect. It is impossible to combine administration and trade in the same hands without loss of dignity. It was, not unnaturally, found that a piece of advice, an admonition, or a reproof bestowed upon the King or upon any great Chief by a representative of the Company lost much of its weight in cases where a few minutes later the same representative might be haggling with the admonished parties over the price—in beads or cloth—of a tusk of ivory or of a bag of gum. The Company's officers, quite naturally, endeavoured to secure for themselves all the trade from the Central African regions under their control. It should be the chief object of Her Majesty's Commissioner, on the other hand, to encourage independent and private trade by all the means at his command.

There can be no doubt that, with a prospect of security and of equality of treatment, a very considerable trade with Uganda, Usoga, and the neighbouring countries may be rapidly developed. The ordinary customs revenue which may be derived from such trade will go some way, even at first, towards the expenses of the Commissioner and his staff; while no one with any personal acquaintance with these people would hesitate to admit that, with a less restricted trade, the native demand for European commodities, already considerable, will rapidly increase. It would be necessary, at all events at first, to subject this trade, especially in the case of Arab or native agents, to careful supervision, and due precautions would have to be taken against any abuse of legitimate traffic or anything approaching a trade in slaves. But all these things resolve themselves ultimately into the great question of transport, which will have to be discussed later, and it is un-

necessary here to weary your Lordship with detailed suggestions as to the regulations which may be found necessary.

For the further definition of what I would propose to be the powers and duties of the Commissioner, I would refer your Lordship to the instructions which I issued, before leaving Uganda, for the guidance of Captain Macdonald, and to the Agreement made between King Mwanga and myself, which was sent to your Lordship in my despatch of the 29th May.

2. A Road Commandant to be appointed to have control of the transport service from Kikuyu to the lake, to effect all possible improvements in the means of communication, and to exercise as complete a supervision as possible over Arab, Swahili, and European caravans travelling through the country. He should, with this object, be given certain magisterial powers. His force should consist of one European assistant and 167 porters, at an estimated cost of 4,750*l.* per annum. The details of this expenditure are shown in the second portion of Inclosure No. 3, under the head of "Estimate No. 2: Communications," from which, however, it will be seen at the same time that the whole of this sum is covered by the Estimate for Uganda proper.

3. A station or depôt should be established at the head of the "Berkeley Bay," chosen last year by the Railway Survey as the site for a suitable harbour at the north-east corner of Lake Victoria. This should be the furthest point for caravans. Communications from thence to Uganda should be by water. The expenses of the station are included in the Estimates for Uganda proper.

As communication and transport of goods by native canoes is most uncertain and precarious, it is of urgent importance that two small steam-launches or cutters should be at once sent up. These boats need not be more than 30 feet in length, and should have a speed of not less than 5 miles an hour. They should be adapted for burning wood, of which abundance can be obtained along the shores of the lake. Each should be under the charge of an English engineer. The initial cost of such boats would be about 500*l.* each. Their transport in sections from the coast to the lake would cost about 300*l.* a-ton. Their up-keep, including the wages of their crews, would amount to 800*l.* per annum (included in Uganda Estimate). As these boats would be available for carrying or towing the goods of traders and of the Missions, it is not too much to expect that within a few months of their arrival they could earn enough nearly, if not quite, to cover the expenses of their maintenance.

Before leaving this part of the subject, I may safely say that any idea of making use of the route by the three lakes to the mouth of the Zambezi in preference to the roads to the east coast may, for the present at all events, be abandoned so far as Uganda and the

neighbouring countries are concerned. Goods going to or coming from Unyoro or the centre of Uganda by this route would have to undergo nine embarkations and disembarkations before reaching the depôt at the mouth of the Zambezi, and would have to be carried, by hand or otherwise, for 350 miles through an unknown country between Victoria and Tanganyika, for 260 miles along the Stevenson Road, and again round the Murchison Falls of the Shiré River. In preference to this, I think that merchants would continue to use the direct roads to Zanzibar with such improved means of transport as may be introduced.

4. A Commissioner to be appointed to reside at Kikuyu, with a staff of 4 Europeans, 60 Zanzibar soldiers, and 239 porters, &c. One of his assistants should reside at Kikuyu, one at Machakos, and two should be employed in at once creating the new station, referred to as a vital necessity in my Report on the road, at a spot twelve days' march distant from Kikuyu on the north-west side. The establishment of this station, with stores of food, and a colony of cultivators around it, would go far to diminish both the expense and the difficulties of the present journey to the lake. The total cost of the Kikuyu Commissioner's establishment would be 6,600*l.* per annum, as shown in the accompanying Estimate (Inclosure 4).

5. The maintenance of the road and the supervision of the transport system from the coast to Kikuyu may, if no better solution can be adopted, be left in the hands of the Zanzibar Government, which might also be fairly asked to furnish the drilled soldiers required for insuring the safety of that part of the road, and even of the stations of Kikuyu and its subsidiary posts.

6. It must, however, be clearly understood that this scheme, of which I have endeavoured to delineate the outlines, although it would undoubtedly be more to the material advantage of these African countries than the undeveloped system which has hitherto prevailed under the Company, would, if left at this point, confer but little benefit either on English commerce or on the Protectorate of Zanzibar. The whole problem of the development of East and Central Africa, the prospect of the creation of a profitable British trade, the suppression of internecine religious wars, the security of European travellers, the control of the lake district and of the upper waters of the Nile, and above all, I may confidently add, the only hope of really and definitively killing the Slave Trade within a reasonable time—all resolve themselves into the all-important and over-shadowing question of transport and communication.

So long as the present system of transport is maintained along what is called the "English route," it will be necessary to make greater provision than I have so far sketched for the safety and independence of the local authorities. It is evident that any

Administration established at such an extreme distance from the nearest points of civilization, and with such inadequate means of communication, must be not only complete in itself, and supplied with everything necessary for the conduct of its internal affairs, but must also be rendered as capable as possible of promptly repelling any danger with which it may be threatened from outside its borders. Moreover, under the existing conditions, not only must any real progress be laborious and uncertain, but the retention of authority in Uganda and any improvement in the condition of that country will react mainly to the benefit, not of ourselves, but of the German Colony.

Transport from the German coast to the south shore of the lake is cheaper, the road is more frequented, porters are more easily obtained, and food is more abundant than in the English sphere. Arab and European traders from the south buy their ivory and their slaves in Uganda, Unyoro, and Toru, avoid payment of any kind of duty to any British authority, and take down their caravans to the German coast ports. Many of the Uganda Chiefs have acknowledged to me that all through the time when the Company was here they continued to send a considerable portion of their ivory across the lake secretly for sale to Arabs in the German territory. Caravans from the south enter and leave the British sphere of influence at many points along the line of frontier to the south of Buddù and west of the Victoria Lake. A series of customs posts along this frontier would be quite ineffectual unless they were of such numbers and strength that their additional cost would be far in excess of the increase of revenue which they would secure.

In this connection I would remark that in Uganda there does exist already a distinct demand for European commodities, more especially for such articles as cotton cloths of the best qualities, boots, and articles of clothing. The presumption, under existing circumstances, is that, if the present system of transport is continued, these articles will be supplied from German sources and by the German route. To put a stop to this system, to effect any real improvement in prosperity or commerce, to efficiently check the Slave Trade, and for ourselves to reap the benefit of the material progress that may be made, there is but one course open. The system of transport by the "English road," already the shortest in actual distance, must be made the safest, cheapest, and quickest. It would then drain the commerce, not only of Uganda, Usoga, and Unyoro, but of all the other countries lying round Lake Victoria. The only means of effectively doing this is by making a railway.

I have no hesitation in saying that, until this step is taken, any organization, system of administration, or plan for the improvement of these countries which may be devised must be of the nature of a

makeshift. Moreover, unless the whole system of communication with the coast is thus changed, the expenses of maintenance of a Commissioner in Uganda with a sufficient staff and force must be out of all proportion to the work to be done by him. I do not for a moment imagine that under the general surveillance of a Commissioner appointed by Her Majesty's Government there is likely to be a recurrence of the regrettable incidents or of the unfortunate state of affairs which so increased the difficulties of the Company's position as eventually to lead to their withdrawal; but it must not be forgotten that so long as we rely on the present system of communication and transport, letters and reports from Uganda will seldom reach England in less than four months, and eight months must elapse before written instructions can be received in reply. This throws an unnecessarily heavy responsibility on the Commissioner; and, in the event of some complication arising, either by war or sickness, which might necessitate reinforcements of his staff or of his force, the difficulties at present in the way of communicating with the coast would be sufficient completely to unhinge the whole system which I have endeavoured to describe. Other arguments which may be adduced in favour of the construction of a railway are well known, and need not be repeated here.

I do not, however, consider it necessary that such a railway should be made at once the whole way to the lake; it would, I think, be sufficient for the present that it should be laid from the coast to Kikuyu. This, together with the small steam-boats on the lake, would shorten the time occupied by a caravan travelling from Mombasa to Uganda from eighty or ninety days, as at present, to thirty-two or thirty-four days, and would enable us to reduce the carriage of goods, now costing for transport about 8*l.* per load of 65 lbs. by the English road, and 4*l.* 10*s.* by the German road, to such a price as would effectively secure all the commerce of these regions. If this scheme is entertained, Zanzibar could fairly be asked to bear a share in its expense, assuming that the Sultan's Government has re-entered into the possession of the coast-line leased to the Company.

The additional Estimates which I now have the honour to inclose (Inclosures No. 5 and No. 6) show that the execution of the whole of this scheme, including the railway, should not, even at first, cost Her Majesty's Government more than 50,000*l.* a-year, a sum which may be confidently expected to decrease as each succeeding year augments the commerce of the country, the amount derived from customs duties and from other sources, and the traffic receipts of the railway.

If, however, Her Majesty's Government consider the railway proposals, even thus modified, to be impracticable, it will then

become necessary, as I have already suggested, to make more complete provision for the safety and efficiency of the administration to be left in Uganda, and for preventing the diversion in other directions of the trade which is essential to the existence of that country. For this purpose I would recommend that not only should our control over the Victoria Nyanza be strengthened by the addition to the steam-launches already proposed of a larger steamer capable of patrolling the whole of the lake in all weathers, but that at least one similar steamer with one or two attendant steam-launches should at once be placed on Lake Albert. By this means alone, in the absence of any railway, could we be relieved from constant anxiety as to the position of affairs in Uganda.

The Estimates would, in this case, be reduced by 20,000*l.* a-year, being the estimated net loss incurred by the railway, but would, on the other hand, be increased by 2,800*l.* a-year for the up-keep of the steamers, and by an immediate outlay of 9,000*l.* for the purchase of the vessels, and 37,500*l.* for their transport to the lakes. It is evident that, in this case, Zanzibar could hardly be asked to contribute anything to a scheme which would confer no appreciable benefit to her own commerce.

Briefly then, if the railway scheme is admitted, the cost to Her Majesty's Government would be 50,000*l.* a-year, plus an initial outlay of 8,500*l.* for the purchase and transport of two small steam-launches, while the alternative scheme would entail the expenditure of 32,800*l.* a-year plus the immediate outlay of some 55,000*l.* for the purchase and conveyance of two steam-boats and three or four steam-launches. I annex a short Memorandum (Inclosure No. 7) which shows the calculations by which I have arrived at this rough estimate.

I venture to submit to your Lordship that the scheme of which I have endeavoured to trace the outline above, or one similar to it, is the only solution of the whole question which can be looked upon as final, and that its moderate cost to Her Majesty's Government is more than outweighed by the advantages which it will confer upon British commerce, upon the British Protectorate of Zanzibar, and upon all the countries situated within the British sphere of influence in East Africa.

I have, &c.,

G. H. PORTAL.

(Inclosure 1.)—*Bishop Tucker to Sir G. Portal.*

Namirembe, Buganda,

DEAR SIR GERALD PORTAL,

March 30, 1893.

SHOULD Her Majesty's Government decline to undertake the expense and responsibility involved in the administration of this

country, it is my firm conviction that the consequences that must inevitably ensue would be most disastrous. In my opinion, nothing (under such circumstances) could possibly be looked for but immediate disorder, anarchy, and bloodshed.

1. There are, as you know, three latent conflicting forces at the present time in Buganda—the English, French, and Mahomedan parties. The moment the present controlling power is withdrawn, these forces will start into life and come into immediate collision. The result will be that the lives of the missionaries will be endangered, if not actually sacrificed (it is utterly impossible for us to withdraw), and the work of the Mission wrecked.

2. The English (or so-called Protestant) party will stand strictly on the defensive, but it will, in all probability, have to meet the attacks of both the French (or so-called Roman Catholic) and Mahomedan parties.

3. Should the latter party ally itself with Kabarega of Bunyoro and the Nubians of Toro—a not at all unlikely contingency under the circumstances—they would sweep everything before them, and the whole population, whether Protestant, Roman Catholic, or heathen, would be dominated by a Power which would mean the practical enslavement of the people, and the effacement of all the civilizing influences at present at work in the country.

I remain, &c.,

ALFRED, *Bishop, E. Eq. Africa.*

(Inclosure 2.)—*Mgr. Hirth to Sir G. Portal.*

M. LE CONSUL-GÉNÉRAL, *Mission de Rubaga, le 27 Avril, 1893.*

EN réponse à votre honorée du 24, où vous me demandez ce que serait l'effet dans ce pays d'une évacuation complète des troupes et des officiers Anglais, je n'hésite pas à affirmer que cette évacuation me paraît préjudiciable aux vrais intérêts de ces régions.

Des circonstances qu'il ne m'appartient pas ici d'apprécier ont réuni dans ces pays depuis quelques années tant d'animosités et d'éléments de guerre, que le départ des Européens me paraîtrait le signal aussitôt de nouveaux conflits, bien plus graves que ceux du passé.

Les lois de liberté que vous venez de proclamer, M. le Consul-Général, resteraient évidemment lettre morte, si on laissait les nègres libres de s'exterminer avec les armes qui leur arrivent de tous les côtés.

C'est l'anarchie qui a régné jusqu'ici parmi les Noirs qui a été cause de leur profonde dégradation morale, bien plus que l'infériorité de leur nature. Pour les relever, il faut donc faire cesser leurs

divisions : nul doute qu'une Puissance Européenne, également respectueuse des droits de chacun, puisse seule nous procurer ce bienfait.

C'est là mon humble sentiment, heureux si je puis contribuer pour une faible part au moins au progrès de ces pays.

Veuillez, &c.,

✠ J. HIRTH, *des Missions d'Alger,*

Év. de Théreste, Vic. Ap. du Nyanza.

[*Inclosures 3 to 7 : Estimates, General Abstracts, &c.*]

CONVENTION between Her Majesty the Queen Regent of Spain and His Majesty the King of Denmark, for the Regulation of the Commercial and Maritime Relations between Spain and Denmark.—Signed at Madrid, July 4, 1893.

[Ratifications exchanged at Copenhagen, August 10, 1894.]

(Translation.)

HER Majesty the Queen Regent of Spain, in the name of her august son His Majesty Don Alfonso XIII, and His Majesty the King of Denmark, equally animated by the ties of friendship which unite both States, and desiring to facilitate and extend the commercial and maritime relations between both countries have resolved to celebrate a Convention to this effect and have appointed their Plenipotentiaries :

Her Majesty the Queen Regent of Spain, in the name of her august son His Majesty Don Alfonso XIII, Don Segismundo Moret y Prendergast, Deputy to the Cortes, Grand Cross of Charles III, of the Dannebrog of Denmark, of St. Maurice and St. Lazarus of Italy, of the Legion of Honour of France, of the Osmanié of Turkey, of the Red Eagle of Germany, Professor of the University of Madrid, &c., Minister of State ;

His Majesty the King of Denmark, M. Johan Henrik de Hegermann Lindencrone, Chamberlain, Envoy Extraordinary and Minister Plenipotentiary, Commander of the First Class of the Order of Dannebrog, decorated with the Cross of Honour of the said Order, Grand Cross of the Polar Star of Sweden, of the Crown of Italy, of Christ of Portugal, &c. ;

Who, having exchanged their full powers in due and valid form, have agreed on the following Articles :—

ART. I. There shall be reciprocal liberty of commerce between Spain and Denmark.* The subjects of each High Contracting Party will have the right to free exercise of their religion in the territory of the other according to the laws of the respective countries.

II. The subjects of the High Contracting Parties will be able to dispose at pleasure, by donation, sale, exchange, will, or in any other manner, of all property they may possess in the respective territories, and to entirely withdraw their capital from the country. In like manner the subjects of one of the two States capable of inheriting property situated in the other will be able to take possession of the property that may fall to them, either by will or *ab intestato*, on complying with the formalities prescribed by law, and the said heirs will not be liable to pay other or higher succession dues than those which would be imposed in similar cases on the subjects of the country itself.

III. The subjects of the High Contracting Parties will not be subject respectively to any embargo, or to be retained with their ships, crews, carriages, or merchandize of any description, for any military expedition nor for any public service without there be granted to those interested an indemnity previously agreed upon.

They will, however, be liable to be requisitioned for carriages; but in such cases they will have a right to official indemnity equal to that fixed by the competent authority in each province or locality for their own subjects.

IV.* The objects of Danish origin and manufacture, enumerated in Table A annexed to the present Convention, will not be subject, on entering Spain, when imported direct by land or by sea, to pay other or higher customs dues than those to which similar products coming from or manufactured in any other country are liable.

V.* Articles of Spanish origin and manufacture, specified in Table B attached to the present Agreement, will not be subject, on entering Denmark when imported direct by sea or land, to pay other or higher duties than those paid on similar products coming from or manufactured in any other country. The Regulations respecting arms and munitions of war are subject to the laws and ordinances of the respective States.

VI. Spain and Denmark mutually guarantee that no other country shall enjoy more advantageous treatment in anything relating to articles of consumption, deposit, or re-exportation, transit, transhipment of merchandize and commerce in general.

It is likewise agreed that codfish imported direct from a Danish port into Spain will not be liable to the obligation of being accompanied by a certificate of origin.

* See Final Protocol, page 871.

The stipulations of this Article cannot be invoked as regards special concessions granted or which may be granted in future to bordering States with the object of facilitating commerce on the frontier, nor as regards obligations which may result for one of the Contracting Parties from a Customs Agreement with a neighbouring State.

VII. The drawbacks actually in force, or which may be established (or fixed), on exportation of Spanish products, as also the drawbacks on exportation of Danish products, shall not exceed the internal octroi rates levied on the said products or materials employed in their manufacture.

VIII. Merchandize of every description proceeding from one of the contracting countries and imported into the other will not be liable to higher octroi dues than those to which similar national products are subject.

The duties of importation, however, may be increased to an amount corresponding to the rates levied on national products by the octroi system.

IX.* Merchandize of non-Danish origin imported direct from Denmark into Spain, whether by sea or land, will not be surcharged with other rates or imposts beyond those levied on merchandize of a similar nature imported into Spain by Spanish vessels from any other European country not coming direct.

Denmark on her side reserves the right of levying on merchandize of non-Spanish origin imported direct from Spain into Denmark, whether by land or sea, other rates or imposts equal to those which may be applied in Spain to importations not made direct.

X. The ships of one of the High Contracting Parties which enter in ballast or with cargoes into the ports of the other, or sail therefrom, whatever be their point of departure or destination, will be treated in the said ports on the same footing in every respect as the national shipping. At their entrance, during their stay, and on departing, they will pay no other or higher dues of lighthouses, tonnage, harbour, pilotage, tugs, quarantine, or other charge on the ship's hull, whatever be its denomination, levied on behalf of the State by public functionaries, municipalities, or other corporations except those to which the national shipping is or may be liable.

With respect to the berthing or accommodation of ships, their loading and unloading in the ports, roads, harbours, bays, and in general all the formalities and regulations to which merchant vessels, their crews, and cargoes are subject, it is agreed that no privilege or favour will be granted to the national ships of one of the Contracting Parties which shall not be equally conceded to the

* See Final Protocol, page 871.

ships of the other ; it being the will of both parties that also in this respect their ships be treated on a footing of perfect equality.

XI. The prescriptions of the present Convention do not apply to the regimen of the coasting trade or to the fisheries in the jurisdictional waters of the High Contracting Parties (or Powers).

However, the vessels of either of the Contracting Parties which may enter any port of the other and may not wish to discharge thereat more than a part of their cargo may, in accordance with the laws and regulations of the respective country, retain on board the part of the cargo destined for another port of the same or any other country and re-export it without necessity for paying other or higher dues than those levied on the national vessels in similar cases. It is likewise understood that these same ships may begin loading in one port and continue doing so in another or other ports of the same country or complete their cargo therein without being obliged to pay other port dues than those to which the national shipping is liable.

XII. There will be a complete exemption from tonnage and clearance dues in the ports of each of the High Contracting Parties :—

1. For ships entering and going out in ballast, whencesoever they may come.

2. For ships arriving from one or various ports of the same country on their certifying their having already paid said dues.

3. For ships which enter laden into a port, whether voluntarily or from stress of weather, and leave it without transacting any commercial business.

In case of stress of weather, the unloading and reloading of the merchandize for repairing the vessel will not be considered as commercial operations, nor the transhipment to another vessel in case of unseaworthiness of the former, nor the expenditure necessary for the revictualling of the crew, nor the sale of the damaged merchandize, provided the custom-house authorities have given their authorization.

XIII. Should a casualty befall a Spanish ship on the coast of Denmark or a Danish ship on the coast of Spain, it will be immediately communicated to the Consul in whose district it may have occurred, in order that the captain may be supplied with the means of floating his ship under the supervision and with the assistance of the local authority.

If the ship be lost and wrecked or a derelict, the authorities will consult with the Consul on the measures to be adopted for guaranteeing all interests in the salvage of the ship and cargo till such time as the owners or their representatives or agents come forward.

The merchandize salvaged will not be liable to customs duties unless it be introduced for consumption in the country. The salvaged provisions, however, which remain unsold and serve as food for the crew will be exempt from duty.

As regards dues and charges for salvage and preservation of the ship and cargo, the same treatment will be extended to the wrecked vessel as a national one would receive under similar circumstances.

XIV. Danish commercial travellers journeying in Spain for firms established in Denmark will be treated, as regards their license, like travellers of any other country, and reciprocally Spanish commercial travellers will be treated in the same manner in Denmark.

Articles imported as samples by these commercial travellers and liable to customs duties will be entitled on each side, on compliance with the custom-house formalities necessary for securing re-exportation and reimbursement of the caution money, to a repayment of the duties which have to be deposited on entering the country.

XV.* Spain concedes to Denmark in the Islands of Cuba and Porto Rico for articles of Danish origin and manufacture when imported direct and whilst the present Convention lasts, the benefit of the second column of the Special Customs Tariff of those islands, dated the 25th April, 1892, as long as said Tariff shall continue in vigour.

XVI. The provisions of Articles IV and V of this Convention do not apply to the benefits conceded or which may be conceded by Spain to Portugal, nor to the benefits conceded or which may be conceded by Denmark to Sweden or to Norway.

XVII. This Convention will come into force immediately after the exchange of ratifications, and will continue operative until the expiry of one year from the day when either of the High Parties may denounce it.

The present Convention will be ratified, and the ratifications exchanged with the least possible delay.

In faith whereof the respective Plenipotentiaries have signed the present Convention in Madrid on the 4th July, 1893, and sealed it with their seals.

(L.S.) S. MORET.

(L.S.) HEGERMANN LINDENCRONE.

* See Final Protocol, page 871.

TABLE (A).—*Danish Articles (or Products) to which the Provisions of Article IV of this Convention are applicable on Importation into Spain.*

Cement, tiles, and bricks, pottery, terra cotta, and porcelain.	Leather, raw hides, horns.
Cryolite.	Preserves and sweetmeats.
Wood, rough and planed.	Sugar, sirup, molasses.
Wood pulp for the manufacture of paper, pasteboard.	Fish, fresh or cured (including cod and stock-fish, spawn and fish-oil).
Ships and small craft.	Swimming bladders.
Peat and peat powder.	Spirits and alcohol.
Cereals in husk, flour of all kinds, and starch.	Liquors and cognac.
Potatoes, vegetables.	Beer and hydromel.
Butter, cheese, dairy produce.	Dyeing materials, colours.
	Crystal (glass) of all kinds.

TABLE (B).—*Spanish Products to which the Provisions of Article V of this Convention are applicable on their Importation into Denmark.*

Lead, in pigs.	Almonds.
Other metals in a rough state.	Figs.
Minerals.	Chestnuts.
Common salt.	Orange-peel.
Esparto grass.	Spirits.
Cork in the rough and wrought.	Liquors.
Corks (unornamented).	Sardines.
Washed feathers.	Cereals.
Olive oil, in barrels.	Sugar.
Olive oil, in bottles.	Preserves.
Fruits and vegetables of all kinds, fresh and dried, undenominated.	Laurel leaves.
Oranges.	Wine in barrels, without limit of alcoholic degrees.
Lemons.	Wine in bottles, without limit of alcoholic degrees.
Fresh grapes.	
Raisins.	

FINAL PROTOCOL.

The Undersigned met to-day for the signature of the Convention of Commerce and Navigation entered into between them, have agreed on the following declarations which will form an integral part of the same Convention :—

1. *To the text of the Convention.*—It is understood that Iceland, the Faroe Islands and the Danish West India possessions are also comprised, whenever reference is made to Denmark, to Danish ports and Danish merchandize.

2. *To Articles IV and V.*—It is also understood that whenever reference is made to Spain, to Spanish ports, and to Spanish merchandize, the Balearic and Canary Islands and the possessions on the coast of Africa are also to be included.

3. *To Articles IV, V, IX, and XV.*—The expression “imported direct” comprises, besides consignments from port to port, merchandize coming accompanied by a direct bill of lading.

In faith whereof the respective Plenipotentiaries have signed the present Protocol in Madrid on the 4th July, 1893, and sealed it with their seals.

(L.S.) S. MORET.

(L.S.) HEGERMANN LINDENCRONE.

AGREEMENT between Spain and Portugal, for Fixing the Boundary between the Portuguese Village of Moura and the Spanish Hamlets of Aroche and Encinasola.—Signed at Madrid, March 27, 1893.

[Ratifications exchanged at Lisbon, September 5, 1893.]

(Translation.)

HIS Majesty the King of Portugal and of the Algarves, and Her Majesty the Queen Regent of Spain, in the name of her august son the King Don Alphonso XIII, being mutually animated with the wish of putting an end to the dispute which has been long pending with reference to the territory which has not yet been defined between the Portuguese village of Moura and the Spanish hamlets of Aroche and Encinasola, have determined to fix definitively by mutual agreement the territorial boundaries of both sovereignties and of the dominion which is respectively to belong to the Portuguese village and to the Spanish hamlets in those territories, in such a manner as to insure and regulate the exercise of public administration and the enforcement of the laws of each of the two countries in that part of those territories which will be assigned as belonging to it.

For this purpose they have appointed their Plenipotentiaries, namely:

His Majesty the King of Portugal and of the Algarves, Sebastião Guedes Brandão de Mello, Count de São Miguel, a Grandee of the Realm, Chief Officer of His Royal Household, Grand Cross of the Order of our Lady of the Conception of Villa Viçosa, Knight of the ancient and most noble Order of the Tower and Sword for the

reward of valour, loyalty, and merit, Grand Cross of the National and Royal Order of the Lion of the Netherlands, of the Order of St. Anne of Russia, of that of St. Albert the Valorous of Saxony, Knight Commander of the Order of Isabella Catholica of Spain, and of various other foreign Orders, &c., and his Envoy Extraordinary and Minister Plenipotentiary to His Catholic Majesty ;

Her Majesty the Queen Regent of Spain, Don Antonio de Aguilar of Correa, Marquis de la Vega de Armijo y Mos, Count of Bobadilla, Viscount of Pegullal, a Grandee of Spain of the First Class, a member of the Royal Academies of History and of Moral and Political Sciences, ex-Minister of Public Works and of the Interior, Doctor in Laws, Knight and Master of the Royal Institute of Seville, Knight of the Papal Order of Christ, Grand Cross of the Tower and Sword for the reward of valour, loyalty, and merit, Grand Cross of our Lady of the Conception of Villa Viçosa of Portugal, Grand Cross of Leopold of Austria, Grand Cross of Waasa of Sweden, Grand Cordon of the Legion of Honour of France, Grand Cross of the Red Eagle of the Upper Grade of Prussia, of Saints Mauritius and Lazarus of Italy, of St. Alexander Newsky of Russia, of the Danebrog with brilliants of Denmark, of Leopold of Belgium, of the Crown of Bavaria, of St. Olave of Norway, of our Saviour of Greece, of the Lion of the Netherlands, of Osmanie of Turkey, decorated with the Double Dragon of China, Officer of Public Instruction in France, &c., and his Minister for Foreign Affairs ;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following Articles :—

ART. I. The line of separation between the sovereignty of the kingdom of Portugal and that of the kingdom of Spain in the so-called territory of Contenda is to follow the long known and trodden pathway which goes from the hamlet of Aroche in Spain to that of Barrancos in Portugal in so far as that pathway crosses the said territory.

The boundary-line resulting from this division begins at the point where the Gamos stream is crossed by the pathway from Barrancos to Aroche passing through Charco Redondo, and at that point the actual line of division of the zones of the cultivated lands of Moura and Encinasola also commences. Then the boundary-line continues along the same course, which is also the line of separation of the zones of the cultivated lands as far as Fouril da Mõcha, which is the point of junction of the three dividing lines. After this the boundary-line continues the same course, which then serves as a dividing line between the cultivated lands of Aroche and Moura as far as the point

named Tojal Alto. Thence the boundary-line is continued along the same course, which crosses the rivulet Mortigão at Charco Redondo, and continues in a southern direction, quitting in Portuguese territory, and 220 metres to the west, the height of the Portuguese Charco, and then crossing the Persegueiro stream. The boundary-line pursues the same southern direction for 700 metres, and, always accompanying the same pathway which will remain, throughout its whole extent, in common use for the inhabitants of the two nations, it will revert to the south-west ridge which separates the waters flowing into the Mortigão from those flowing into Pae Joannes.

The boundary-line crosses this ridge at a place called Rodeio do Touro, about 680 metres distant from Pico do Fouro, which will remain in Portugal 400 metres to the south of the afore-said Rodeio; at this place there is a pathway to Malhão do Borneco, and the boundary-line continues along the pathway which leads to Aroche up to the point where the pathway quits Contenda and crosses the dividing line of the waters of Mortigão and Chança, 200 metres to the south of the starting point of the other pathway from Malhão do Valle de Centro to the Portuguese hamlet of Santo Aleixo.

In order that the division set forth in the preceding paragraph may be visibly marked on the territory itself, and with a view to prevent any questions arising in the future, the frontier landmarks, mentioned in the list of landmarks and in the maps which are annexed hereto, will be duly placed, it being understood that the said maps and list form an integral part of this Convention.

Not only the boundary-marks which separate the territory of Contenda, but also those which are required in order that the tracing of the actual boundary which will, in virtue of this Convention, become the frontier between the two countries, are inserted in both these maps. The plan is the same which was drawn up in 1887 by the International Boundary Commission on the scale of $\frac{1}{10000}$.

Spain renounces in favour of Portugal all the rights she may have over the territories which, in accordance with this Article, are comprised in the sovereignty of Portugal.

Portugal renounces in favour of Spain all rights she may have over the territories which, in accordance with this Article, are comprised in the sovereignty of Spain.

II. The full dominion of that portion of the so-called territory of Contenda, which, in virtue of the stipulation contained in the preceding Article, is included in the sovereignty of Portugal appertains to the Portuguese village of Moura.

The full dominion of that portion of the same lands which, in

virtue of the said Article, is included in the sovereignty of Spain appertains to the Spanish hamlets of Aroche and Encinasola.

III. The Commissioners appointed by the two Governments for the demarcation of the boundaries of the respective territories as herein set forth will come to an agreement as to the supplementary measures which may be necessary in order to carry the present Agreement into full effect.

IV. This Agreement will come into force and will be binding upon the two Governments after it shall have been duly ratified in virtue of the legislative sanction of the two countries, and after it is officially published therein, and the ratification and official publication are to be carried into effect as soon as possible.

In witness whereof the respective Plenipotentiaries have signed this Agreement, and have affixed their seals thereto.

Done in duplicate at Madrid on the 27th March, of the year of our Lord 1893.

(L.S.) EL MARQUÉS DE LA VEGA DE ARMIJO.

(L.S.) COUNT DE SAO MIGUEL.

APPENDIX.

LIST of the Boundary-marks which are to be placed at Contenda de Moura in order to Define the Boundary-line between Portugal and Spain.

No.	Course to the next Boundary- mark.	Distance between the Marks.	Description of the Places where the Boundary-marks are to be Placed.	Remarks.
1	Degrees. 93	Mehres. 640	In the ravine of Pedro Miguel, 400 metres to the south of its confluence with Ribeira de Murtosa.	It turns to the boundary-line in a right angle to the south. Turns again to the boundary-line in a right angle eastwards. A wall commences here which formerly separated Contenda from the sub- district of Barrancos, and which continues until mark No. 11.
2	145	200	In the same ravine of Pedro Miguel, 120 metres after the confluence of a brook which rises in the hill of Causalobos.	
3	234	120	In the ravine descending from Serro Choro, 200 metres from the previous mark.	
4	112	240	On the highest point of Serro Choro, 120 metres from the preceding mark.	
5	207	200	At a place called Curral dos Nodimos, 240 metres to the south- west of the previous mark.	
6	132	1,040	At the place also called Curral dos Nodimos, 200 metres to the south-east of the previous mark.	
7	139	480	In the ravine which receives the waters of Causalobos and Carrapato near the mark separating Contenda from the sub-district of Barrancos, 380 metres to the north of the summit of Carrapato.	

8	140	260	On the western slope of the hill of Carrapaço, 100 metres to the south-west of that hill and close to the wall already mentioned.
9	179	560	50 metres after crossing the road from Serra Ferreira to Barrancos.
10	105	1,880	Where the boundary-line enters the stream of Gamos.
11	130	480	Close to the Gamos stream on the right bank and to the left of the point where the road from Barrancos to Aroche (which we call the frontier boundary-road) crosses the said stream.
12	138	500	On the right of the boundary-road where it is crossed by a foot-path to the Canhada das Eguas hill, 480 metres from the preceding mark.
13	204	340	At Porteiro de Rosa to the left of the boundary-road where it is crossed by a foot-path from Atalaynelas to Canhada das Eguas, 500 metres from the previous mark.
14	157	1,040	At Fouril da Mocha, the point of junction of the dividing lines of the cultivated lands, to the right of the boundary-road, 340 metres from the previous mark.
15	172	440	On the left of the boundary-road on the left bank of the ravine of Joanna Christiana, close to a foot-path which accompanies it and enters Portugal, a distance of 1,040 metres from the preceding mark.
16	160	1,200	On the right of the boundary-road where it is crossed by a foot-path from Portos do Fornito to Encinasola. It is here that the former dividing line of the cultivated lands between Moura and Aroche branches off from the boundary-road.

The boundary-line continues until mark No. 11 along the Gamos stream.

The following marks up to No. 25 are to be placed alternately on the left and right side in order to show that it is to be used in common by the inhabitants of the two nations.

The boundary-line quits the former dividing line of the cultivated lands between Moura and Encinasola, which is continued from mark No. 11.

Here the boundary-line ceases to accompany the former dividing line of the cultivated lands between Aroche and Moura, brought from the mark No. 14.

No.	Course to the next Boundary- mark.	Distance between the Marks.	Description of the Places where the Boundary-marks are to be Placed.	Remarks.
17	Degrees. 155	Metres. 780	On the left of the boundary-road at a place called Charco Redondo after crossing the brook of Murtigão and close thereto.	
18	162	410	On the right of the boundary-road on the height of the Charco Portuquez where it is crossed by the foot-path from Torreque-mada to Mofeda Escuro.	
19	158	700	After crossing the Persegueiro stream and close to it.	
20	118	1,700	On the right of the boundary-road, 700 metres from the preceding mark.	
21	175	380	At a place called Rodeio do Touro, whence a foot-path starts to Famina.	
22	155	1,400	At that part of the boundary-road where there is another road to Malhão do Borneco.	
23	176	950	Where the boundary-road crosses the Rixal ravine, 1,400 metres from the preceding mark.	
24	148	200	At the point of separation from the road through Valle de Centeio to Santo Aleixo.	
25	61	2,640	On the left of the boundary-road where it ceases to serve as a frontier for entering Spain in the direction of Aroche where the waters flow into the Chança and Murtigão.	
26	93	680	Where the ridge of hills which divides the waters of Murtigão and Chança meets the road from mark No. 22 to Malhão do Borneco.	
27	104	1,640	On the hill where there are the two slopes to the meadow of Safareja, 680 metres from the preceding mark.	The boundary-line alters its course to south-west. From mark No. 11 to mark No. 25 the frontier-line has pursued its course exactly along the boundary-road.

28	24	600	In the ancient and well-known place called Mallão do Borneco.
29	37	5,160	Where the boundary-line meets the meadow of Safareja, 600 metres to the north-west of Mallão do Borneco.
30	..	..	At the confluence of the Pilonas stream with the meadow of Safareja.

From mark No. 29 to mark No. 30 the boundary-line follows the course of the Safareja meadow.

Done in duplicate at Madrid on the 27th March, in the year of our Lord 1893.

(L.S.) EL MARQUÉS DE LA VEGA DE ARMIJO.
(L.S.) COUNT DE SAO MIGUEL.

CORRESPONDENCE respecting the Affairs of Samoa (Ratification and Execution of Final Act of the Berlin Conference; Assent of King of Samoa; Appointment of M. Cedercrantz as Chief Justice and of Baron Senfft von Pilsach as President of Municipal Council; Commission for Settlement of Land Claims; Mataafa's Insurrectionary Movements; Support of Ships of War of Treaty Powers; Execution of Warrants; Collection of Taxes; Expenses and Working of the Land Commission; Currency, Gold Coinage, Rate of Exchange, &c.; Appointment of Natives' Advocate; Complaints against Chief Justice and Municipal President; Samoan Revenue, apportionment; Import and Export Duties; Land Registration Fee; Survey of Land Claims; Extravagance and Bankruptcy of Government; Submission of Financial Reports to Consular Board; &c.).—1890–1893.*

No. 3.—*Memorandum communicated by Count Hatzfeldt, February 21, 1890.*

(Translation.)

THE Resolutions contained in Articles IV and VII of the General Act of the Berlin Conference on Samoa respecting the prohibition of the transfer of land, of the importation and sale of arms and ammunition, and of the sale of spirits, have now become binding on Samoans and other natives of the South Sea Islands in virtue of the Samoan Laws of the 18th December last.

In order to make them similarly binding on the subjects and citizens of the Signatory Powers, the three Consuls should receive instructions to enact the corresponding prohibition by means of regulations in respect of their own nationals, in so far as this has not already been done.

2. They should also be instructed to proceed with the division of the municipal territory into electoral wards in order that the Chief Justice may be enabled, immediately on his assuming his functions, to order the election and induction into office of the Local Administration in accordance with Article V, section 6, of the Act.

3. It is also desirable, especially on financial grounds, that the provisions of Article VI of the Treaty should come into force before the definitive organization of the Municipal Administration, which, under Article V, sections 5 and 6, of the Act, cannot take place till after the Chief Justice and the President of the Municipal Council have been appointed and have assumed office.

In this view the three Consuls should now be authorized, in concert with the Samoan Government, to fix, by public notice, a near date for the collection of taxes and duties, and to appoint provisionally the authorities charged with the collection and administration of the revenue, pending the time when the administration shall be taken over by the Municipal Council.

4. As regards the officials to be appointed by the three Treaty Powers, the first question to be settled will be the selection of some one to fill the position of Principal Judge. The best course would be for Her Britannic Majesty's Government to propose for this post some one possessing the qualifications required under Article III, section 2, of the Act.

No. 6.—The Marquess of Salisbury to Consul de Coëtlogon.

STR,

Foreign Office, March 6, 1890.

WITH reference to your despatch of the 8th November last, I have to instruct you to concert with your German and United States' colleagues measures which should at once be taken for giving full effect to the Final Act of the Berlin Conference on the affairs of Samoa.

Information has been received from the German Government that Samoan Laws were passed on the 18th December last, making the provisions of Article IV, respecting land, and of Article VII, respecting arms and intoxicating liquors, binding upon Samoans; and regulations should be issued by the Consuls of the three Treaty Powers enforcing the stipulations of those Articles on their respective nationals in so far as this has not already been done.

Measures should also be taken to proceed with the division of the municipal territory into electoral wards in order that the Chief Justice may be enabled, immediately on his assuming his functions, to order the election and induction into office of the Local Administration in accordance with Article V.

It will be well on financial grounds that the provisions of Article VI should come into force before the definitive organization of the Municipal Administration, which, under Article V, cannot take place until the Chief Justice and the President of the Municipal Council have been appointed and have assumed office. I have, therefore, to instruct you to arrange with your German and United States' colleagues, in concert with the Samoan Government, to fix, by public notice, an early date for the collection of taxes and duties, and to appoint provisionally the authorities charged with the collection and administration of the revenue pending the time when the administration shall be taken over by the Municipal Council.

A translation of a Memorandum, communicated by the German Ambassador at this Court, is inclosed for your confidential information.*

H. de Coëtlogon, Esq.

I am, &c.,

SALISBURY.

No. 11.—Sir E. Malet to the Marquess of Salisbury.—(Received April 12.)

(Telegraphic.)

Berlin, April 12, 1890.

SAMOA Final Act.

Protocol recording deposit of the ratifications was signed this afternoon at the Foreign Office by Representatives of the three Powers.

No. 14.—The Marquess of Salisbury to Count Leyden.

M. LE CHARGÉ d'AFFAIRES,

Foreign Office, April 22, 1890.

I HAVE the honour to inform you that, in consequence of the suggestion made by Count Hatzfeldt that Her Majesty's Government should propose a suitable person for the post of Chief Justice in Samoa, Her Majesty's Minister at Washington was instructed to ascertain whether the United States' Government would be disposed to accept their nominee.

He has received a reply to the effect that they prefer that the nomination should be made by the King of Sweden on the ground that such a course would, in their opinion, tend to greater harmony in Samoa, where the Tripartite Treaty is to be put into operation, than if the Chief Justice were nominated by any one of the Signatory Powers.

In these circumstances Her Majesty's Government are prepared, in accordance with the provisions of the Samoan Act, to join the other two Treaty Powers in requesting the King of Sweden to nominate a gentleman for the appointment of Chief Justice in Samoa.

On hearing that the German Government concur in this course, instructions will be sent accordingly to Her Majesty's Minister at Stockholm.

I have, &c.,

Count Leyden.

SALISBURY.

No. 15.—*Count Hatzfeldt to the Marquess of Salisbury.*—(Received April 30.)

(Translation.)

MY LORD, *German Embassy, London, April 28, 1890.*

I HAVE had the honour to receive your Lordship's kind note of the 22nd instant concerning the appointment of the Chief Justice of Samoa, and have informed my Government of its contents.

I am now instructed to inform your Lordship that the Imperial Government are ready, in accordance with the 2nd section of Article III of the Samoan Act, to ask the King of Sweden to appoint the Judge, and that the Imperial Minister at Stockholm has been furnished with the necessary instructions.

I have, &c.,

The Marquess of Salisbury.

P. HATZFELDT.

No. 16.—*The Marquess of Salisbury to Sir J. Pouncefote.*

(Telegraphic.)

Foreign Office, May 3, 1890.

ACQUAINT the United States' Government that the Ministers of England and of Germany in Sweden have been instructed to ask the King to name a gentleman for the post of Chief Justice in Samoa.

Request that the United States' Representative at Stockholm may be furnished with similar instructions.

No. 17.—*The Marquess of Salisbury to Sir F. Plunkett.*

SIR,

Foreign Office, May 5, 1890.

I HAVE to inform you that, in accordance with section 2 of Article III of the Final Act of the Samoan Conference, Her Majesty's Government have agreed with the Governments of Germany and of the United States to request the King of Sweden and Norway to nominate the Chief Justice of Samoa.

I have, therefore, to instruct you, in concert with your German and United States' colleagues, to address a communication to the Swedish Government, asking that the King may be graciously pleased to nominate a gentleman for the post in question.

I am, &c.,

Sir F. Plunkett.

SALISBURY.

No. 19.—*Sir J. Pouncefote to the Marquess of Salisbury.*—(Received May 7.)

(Telegraphic.)

Washington, May 7, 1890.

SAMOA. With reference to your telegram of the 3rd instant, Mr. Blaine has informed me that he would send telegraphic instructions to the United States' Minister at Stockholm as desired by your Lordship.

No. 20.—*Consul de Coëtlogon to the Marquess of Salisbury.*—
(Received May 19.)

MY LORD,

Samoa, April 21, 1890.

I HAVE the honour, with the greatest respect, to forward herewith the assent of Samoa to the General Act of the Berlin Conference, attested by a certificate signed by the King of Samoa.

I have also the honour to forward to your Lordship a copy of a joint letter from the Imperial German Consul-General, the United States' Vice-Consul, and myself to the King of Samoa, relative to the General Act, and requesting assent thereto, also a copy of the King of Samoa's reply.

With regard to the General Act, it was carefully translated into the Samoan language by the Imperial German Consul-General and his Samoan Interpreter, and then submitted for examination to the Rev. Mr. Clarke and the Rev. Mr. Newall, both of the London Missionary Society, so that a very good translation was made, and was thoroughly understood by the King and his Chiefs.

I have, &c.,

The Marquess of Salisbury.

H. DE COËTLOGON.

(Inclosure 1.)—*Certificate of Assent, signed by the King of Samoa, to the General Act of the Berlin Conference.*—Apia, April 19, 1890.

WHEREAS a General Act relating to the organization of an independent and neutral Government of Samoa was signed at Berlin on the 14th day of June, 1889, by the Plenipotentiaries of Her Majesty the Queen of Great Britain and Ireland, Empress of India, the President of the United States of America, His Majesty the Emperor of Germany, King of Prussia;

And whereas the Representatives in Samoa of the Governments of Great Britain and Ireland, the United States of America, and Germany, in bringing this General Act to the knowledge of the Samoan Government have requested the same to assent to it as provided for in the second clause of Article II;

And whereas the Principal Chiefs and talking men of Samoa assembled at present in Apia have, upon my advice and counsel, unanimously resolved that the said General Act be as a whole

assented to and accepted by the Government of Samoa as containing all those provisions that will guarantee peace and good order in the Samoan Islands and the future welfare of the people :

I, therefore, as King of Samoa, by these presents declare and at the same time certify the assent of the Samoan Government to the General Act as above described.

Done in triplicate at Apia, Samoa, this 19th day of April, 1890.

MALIETOA, *le Tupu Samoa.*

(Inclosure 2.)—*Joint Letter addressed to the King of Samoa.*

YOUR (HIGHNESS) AFIAGA, *Apia, Samoa, April 12, 1890.*

WE have the honour to lay before you a printed copy, together with a translation in the Samoan language, of the General Act relating to the organization of an independent and neutral Government of Samoa, which was signed at Berlin on the 14th day of June of last year by the Plenipotentiaries of the three Great Powers.

This General Act will allow the people of Samoa to form a Government, under their own native King, strong enough to prevent further civil war, and to keep peace and good order in Samoa, thus offering every security for the future welfare of its people.

The carrying out of the provisions of this General Act will, it is true, cause considerable expense, but it is not on the shoulders of the people of Samoa, but on those of the foreign residents of the islands, that the heavier part of the new charges are laid. The people of Samoa will only contribute a fair share to the general cost of the new Government.

It will, therefore, be for the best interest of the Samoan people that this General Act, after you have thoroughly acquainted yourself and the principal Chiefs and talking men of all its provisions, be as a whole assented to and accepted by the Government of Samoa as provided for in the second clause of Article II.

We now most respectfully request you to give your early attention to this important matter, and to inform us, as soon as it can be done, of the decision arrived at by your Government.

We shall have further to agree with you upon the form of the certificate by which, in conformity with Article VIII, section 2, of the General Act, the assent of the Samoan Government is to be attested under your signature.

We have, &c.,

STUEBEL, *Imperial German Consul-General.*

H. DE COËTLOGON, *Her Britannic Majesty's
Consul.*

W. BLACKLOCK, *United States' Vice-Consul.*

(*Inclosure 3.*)—*Reply from the King of Samoa.*

To your Excellency H. de Coëtlogon, British Consul :

Government of Samoa, King's Palace,

YOUR EXCELLENCY,

April 17, 1890.

WHEREAS on the 12th day of this month I received from your (joint) hands the Treaty (General Act) made by the three great Governments at Berlin, printed in foreign language, and certified to by the names of Chiefs of those Governments, together with a translation thereof in the Samoan language, and also your (joint) letter explaining the meaning of that Treaty, &c.

In consequence thereof, I, with great respect, notify you that the Chiefs and orators of the whole of Samoa have this day made the following announcement to me :—

“ We accept with satisfaction the Treaty (General Act) made by the three Great Governments. The high Chiefs and Rulers of Samoa have this day signified their acceptance by the uplifting of their hands.”

I expectantly hope for a day when we shall have reciprocal information in accordance with Article VIII, clause 2, of the Treaty.

I am, &c.,

MALIETOA, *King of Samoa.*

No. 21.—Sir F. Plunkett to the Marquess of Salisbury.—(Received May 19.)

(Extract.)

Stockholm, May 16, 1890.

I HAD the honour to receive on the 8th your Lordship's despatch of the 5th instant, instructing me, in concert with my German and United States' colleagues, to address a communication to this Government asking the King to nominate a gentleman for the post of Chief Justice at Samoa.

Baron Gaertner, the German Chargé d'Affaires, received similar instructions from his Government on the 11th instant, but as Mr. Thomas, the United States' Minister, has not yet heard from Washington on the subject, we are unable to take any action for the present.

The Marquess of Salisbury.

F. R. PLUNKETT.

No. 22.—Sir F. Plunkett to the Marquess of Salisbury.—(Received June 6.)

MY LORD,

Stockholm, June 2, 1890.

WITH reference to my despatch of the 16th ultimo, I have the honour to report that Mr. Thomas, the United States' Minister,

called on me on the 29th to state that he had received his instructions, and was ready to join me and our German colleague in requesting the King of Sweden and Norway to nominate a gentleman for the post of Chief Justice of Samoa.

Accordingly, in company with Mr. Thomas and Baron Gaertner, I called at the Foreign Department the day before yesterday.

As the senior of the three Representatives, I informed Count Lewenhaupt in our joint names of the instructions we had received, and requested that his Excellency would apprise us in what form the King would desire that the request should be made to him.

Count Lewenhaupt said he had as yet no official knowledge of the Act concluded in Berlin, and, at his suggestion, I handed him a copy of it.

After some conversation, during which I called his Excellency's attention to the importance of the Chief Justice being thoroughly conversant with English, it was agreed that we should address to him three identic notes, asking His Majesty to nominate a gentleman for the post.

I have the honour to forward herewith a copy of the note which was agreed upon in union with my two colleagues, and which I have addressed to Count Lewenhaupt to-day.

I have, &c.,

The Marquess of Salisbury.

F. R. PLUNKETT.

(Inclosure.)—Sir F. Plunkett to Count Lewenhaupt.

M. LE MINISTRE,

Stockholm, June 2, 1890.

I HAVE the honour to inform your Excellency that by a General Act signed at Berlin on the 14th June, 1889, by the Plenipotentiaries of Great Britain, Germany, and the United States of America, in regard to the neutrality and autonomous government of the Samoan Islands, provision is made in Article III for the establishment of a Supreme Court for those islands, and the appointment of a Chief Justice of Samoa.

Section 2 of Article III states that the "Chief Justice shall be named by the three Signatory Powers in common accord, or, failing their agreement, he may be named by the King of Sweden and Norway."

The three Signatory Powers having now decided to ask the King of Sweden and Norway to nominate a gentleman for the post, I am instructed by the Marquess of Salisbury to convey to your Excellency the request of my Government that His Majesty will be graciously pleased to name a Chief Justice of Samoa.

While discharging the duty imposed on me by my Government,
I avail, &c.,

Count Lewenhaupt.

F. R. PLUNKETT.

*No. 24.—Consul Cusack-Smith to the Marquess of Salisbury.—
(Received June 24.)*

(Extract.)

Apia, Samoa, May 19, 1890.

THE taxes and dues authorized by the Berlin Convention came into force on the 15th May.

Everything is quiet, and a fairly hopeful view of the future results of the Samoan Convention is generally expressed in Apia.

The speedy arrival of the new Chief Justice is anxiously awaited by natives as well as whites, and is of the utmost importance.

The delay is causing a growing feeling of distrust among all classes.

The Marquess of Salisbury.

T. B. CUSACK-SMITH.

No. 26.—The Marquess of Salisbury to Mr. Beaucherk.

(Telegraphic.)

Foreign Office, July 6, 1890.

INQUIRE what course German Government propose to take respecting nomination of President of Municipal Council.

*No. 27.—Mr. Gough to the Marquess of Salisbury.—(Received
July 11.)*

(Extract.)

Stockholm, July 7, 1890.

THIS afternoon Mr. Thomas, the United States' Minister, Baron Gaertner, the German Chargé d'Affaires, and I were received at the Foreign Department by Baron Akerhielm, Prime Minister, and Acting Minister for Foreign Affairs during Count Lewenhaupt's absence in Norway with the King.

His Excellency stated that His Majesty the King was ready to name a Chief Justice for Samoa in the person of M. Otto Conrad Waldemar Cederkrantz, Assistant Judge of the Svea Hofratt (Court of Intermediate Appeal).

This gentleman was born in 1854, and is therefore 36 years of age.

His Majesty desired that the appointment should, if possible, be made on the 1st August, and Baron Akerhielm now communicated

this fact to us semi-officially, in order that we might ask our respective Governments whether they had any objection to this nomination.

The Marquess of Salisbury.

HUGH GOUGH.

No. 30.—Consul Cusack-Smith to the Marquess of Salisbury.—

(Received July 21.)

(Extract.)

Samoa, June 4, 1890.

ON Her Majesty's birthday I received the British subjects. The German Consul-General, who was ill, was represented by his Vice-Consul. Last year Her Majesty's birthday was not observed. I have the honour to inclose a copy of the "Samoa Times,"* showing that the revival of a universal custom gave general satisfaction.

Trade has been at a standstill here, but is now improving, and as a considerable amount of new building will be necessary to accommodate the new officials, there is every prospect of the improvement being maintained, and a large share of this improvement will accrue to British subjects.

An Austrian war-ship has arrived to-day.

Everything is quiet, and the most cordial relations exist between the Consuls-General of Germany and America and myself.

The Marquess of Salisbury.

T. B. CUSACK-SMITH.

No. 32.—The Marquess of Salisbury to Sir F. Plunkett.

(Extract.)

Foreign Office, August 4, 1890.

WITH reference to Mr. Gough's despatch of the 7th ultimo, I have to request you to inform the Swedish Minister for Foreign Affairs that the appointment of M. Cedercrantz as Chief Justice of Samoa, under Article III, section 2, of the Final Act of the Samoan Conference, will be agreeable to Her Majesty's Government.

As it is desirable that the Chief Justice should enter upon the duties of his post with as little delay as possible, Her Majesty's Government see no objection to the appointment being made by the King of Sweden at the earliest date that may seem proper to His Majesty.

Sir F. Plunkett.

SALISBURY.

No. 34.—*Consul Cusack-Smith to the Marquess of Salisbury.*—

(Received August 18.)

(Extract.)

Samoa, July 10, 1890.

ALTHOUGH it is probable that the mail, which is due to arrive here from England on the same day that this leaves Samoa, will render any reply to this despatch unnecessary, yet I feel it my duty to bring the following facts to your Lordship's notice.

I had the honour to draw attention, in my despatch dated the 19th May, 1890, to the distrust awakened by the non-arrival of the Chief Justice. Among the Samoans that feeling has increased.

Among the whites there is a great disinclination to pay the new taxes and licence. They point out that there is no Government, and that they get nothing in return. The Consular Board, in its endeavours to levy the taxes in the manner least likely to create friction, has been successful, but it has no ready means of enforcing payment where it is refused.

The total amount collected since the 15th May to the 30th June is about 400*l.* (in hand).

Since the war, and owing to there being practically no Government for a year, the natives have ceased to work, have planted nothing, and a dearth of food is almost a certainty in the future.

They have made very little copra, and, as this is the main article of commerce and export, trade is consequently very slack; and it is probable that the amount of copra exported this year will be greatly under the average of former years.

There are many rumours of plotting on the part of the high Chiefs against King Malietoa, and these rumours have considerable foundation.

The Chiefs fancy that the three Great Powers no longer warmly support Malietoa as King, and that he has been deceiving the people with regard to the new Government, no Chief Justice having arrived, although the Treaty was made a year ago.

Mataafa has lately tried to get King Malietoa to live with him, in order to get the King under his power. The King referred to the three Consuls, and we strongly supported him in his refusal.

I have the honour to inclose a translation of a letter from King Malietoa, which he handed to the three Consuls at a private interview on the 27th June.

We assured His Majesty of the firm support of our respective Governments, and summoned Tofae, one of the Chiefs alluded to, to attend our weekly meeting of the Consular Board.

Tofae was evidently impressed by the interview, and promised obedience to King Malietoa in future.

The Marquess of Salisbury.

T. B. CUSACK-SMITH.

(Inclosure.)—Malietoa's Speech.

(Translation.)

I ADDRESS you, Gentlemen, the three Consular Representatives, together.

I wish most respectfully to inform you that it is my desire and my great entreaty that you may kindly help and protect me in all those things in which I have to direct this country.

For there are still people who keep up opposition, and have again changed their mind with regard to matters which have been already decided for us by your Governments.

There are several districts which refuse obedience to all the orders I have given them.

I therefore beg of you that you may help me in all those things in which I have given orders in this country.

Further, the prohibition of fishing with dynamite. There are some foreigners who continue to fish with dynamite. I should like that you, the Consular Representatives of the three Great Powers, would agree with me with a view to give that law every protection.

I have also forbidden to all Samoans to play cricket by Ordinance made on the 20th June. The latter was distributed, and one printed copy sent to the Judge Tofae, but he returned it to me, informing me that he would not accept and follow it, neither would it be accepted and followed by his district.

I am of opinion that this (the game of cricket) should be forbidden, else nobody would think of doing useful work. From it results the shortness of food and the impossibility to think of ways and means to earn money for paying taxes to the Government and for paying debts to the merchants. By it the work of teaching the young generation is also obstructed.

Gentlemen, I hope you will approve of all the points which I have explained in this Speech, and that you will help me with regard to them for the good of this country and the Samoan Government.

This is the end of my Speech.

May you prosper.

House of Malietoa, Apia, June 27, 1890.

MALIETOA.

No. 36.—The Marquess of Salisbury to Mr. Trench.

SIR,

Foreign Office, September 9, 1890.

I HAVE been informed by the German Ambassador at this Court that the Reports received by his Government showed that it was

expedient that the appointment of the Chief Justice of Samoa should be accelerated as much as possible.

The German Minister at Washington has represented this to the United States' Government, and the American Minister at Stockholm has, in consequence, been instructed by telegraph to give the assent of the United States to the appointment of Herr Ceder-crantz.

Hon. P. Trench.

SALISBURY.

*No. 37.—Consul Cusack-Smith to the Marquess of Salisbury.—
(Received September 15.)*

MY LORD,

Samoa, July 28, 1890.

I HAVE the honour to inclose a translation of a Proclamation signed by me, in conjunction with the German and American Consuls-General, to all the disaffected Samoans, warning them against plotting to make Mataafa King instead of Malietoa.

I hear from all sources, Samoan as well as white, that this Proclamation has had a far-reaching and excellent effect throughout the whole kingdom.

Trusting my action at a somewhat critical moment may meet with your Lordship's approval, I have, &c.,

The Marquess of Salisbury.

T. B. CUSACK-SMITH.

(Inclosure.)—Proclamation to all the People of Samoa.

(Translation.)

It has come to our knowledge that villages of Savaii, Manono, and Upolu are collecting fine mats to bring to a certain high Chief, with the object of showing him their willingness to invest him with the high titles and dignities of the various districts of Samoa :

Now, Malietoa Laupepa was made King by all the Samoans, in conformity with the General Act agreed upon by the Great Governments last year, whereupon Malietoa Laupepa was recognized as such by the Great Powers.

Has this fact been forgotten by some Samoan village ?

Do they know that what they are now doing is rebellion ?

Do they suppose that we, the three Consuls of the Great Powers, will submit to anything which, it is clear, must again lead to warfare in Samoa ?

Certainly not. Indeed, we cannot. But we hold that it is our duty to prohibit by force the schemes of these villages, and again inform all Samoa that Malietoa Laupepa alone can be acknowledged as King of Samoa by the Great Powers, and if there be any

Samoan villages that rebel against him, they will assuredly be prevented forcibly from doing so by the Great Powers, and also severely punished.

DR. STUEBEL, *German Consul-General.*

HAROLD M. SEWALL, *Consul-General,
United States of America.*

T. B. CUSACK-SMITH, *British Consul.*

No. 38.—Foreign Office to Consul Cusack-Smith.

SIR, *Foreign Office, September 18, 1890.*

I AM directed by the Marquess of Salisbury to acknowledge the receipt of your despatch of the 28th July last, inclosing a Proclamation signed by you, in conjunction with your German and American colleagues, warning the disaffected Samoans against plotting to make Mataafa King instead of Malietoa, and I am to convey to you his Lordship's approval of your action.

I am, &c.,

T. B. Cusack-Smith, Esq.

T. H. SANDERSON.

No. 39.—Foreign Office to Mr. B. Haggard.

SIR, *Foreign Office, September 20, 1890.*

I AM directed by the Marquess of Salisbury to inform you that you are at liberty to proceed to Samoa in order to enter upon your duties as British Land Commissioner in those islands, either at the end of October or within the first half of the following month.

I am, &c.,

B. M. Haggard, Esq.

T. H. SANDERSON.

*No. 40.—Sir F. Plunkett to the Marquess of Salisbury.—(Received
September 23.)*

(Extract.)

Stockholm, September 19, 1890.

I HAVE the honour to inclose copy of the note which I addressed to-day to Count Lewenhaupt, and which is similar in sense, though not in words, to the notes sent by my American and German colleagues.

The Marquess of Salisbury.

F. R. PLUNKETT

(Inclosure.)—*Sir F. Plunkett to Count Lewenhaupt.*

M. LE MINISTRE,

Stockholm, September 19, 1890.

IN compliance with instructions received from the Marquess of Salisbury, I have the honour to inform your Excellency that the appointment, proposed by His Majesty the King, of Herr Otto C. W. Cedererantz as Chief Justice of Samoa under Article III, paragraph 2, of the Final Act of the Samoan Conference, will be agreeable to Her Britannic Majesty's Government.

I avail, &c.,

Count Lewenhaupt.

F. R. PLUNKETT.

No. 41.—Foreign Office to Consul Cusack-Smith.

SIR,

Foreign Office, October 1, 1890.

I AM directed by the Marquess of Salisbury to inform you that M. Otto Cedererantz having, in accordance with Article III of the Final Act signed at Berlin on the 14th June, 1889, been named by the King of Sweden to be Chief Justice of Samoa, his nomination has been accepted by the three Treaty Powers.

M. Cedererantz will leave Sweden on the 10th instant, and will probably proceed to Samoa by the steamer which leaves San Francisco on the 14th December next.

You are aware that the annual salary of the Chief Justice is fixed by the Final Act at 6,000 dollars in gold, or its equivalent, to be paid the first year in equal proportions by the three Treaty Powers.

It has now been agreed that the salary of Judge Cedererantz shall commence ten days previous to his departure from Sweden for Samoa, and that for the first year it shall be paid either quarterly or monthly, as he may prefer, in proportions of one-third each, by the Consuls of the three respective Powers in Samoa.

I am therefore to instruct you to pay, from time to time, one-third of M. Cedererantz' salary to him, after his arrival at Samoa, in accordance with the above arrangement, by bills payable to his order, and you will charge the amounts in your quarterly accounts with this Office.

I am, &c.,

T. B. Cusack-Smith, Esq.

T. H. SANDERSON.

No. 43.—Sir F. Plunkett to the Marquess of Salisbury.—(Received October 7.)

MY LORD,

Stockholm, October 4, 1890.

I HAVE the honour to inclose a copy of the note which I received yesterday evening from the Minister for Foreign Affairs, informing

me that the King, in virtue of the request made to His Majesty by the three Powers who signed the General Act at Berlin on the 14th June, 1889, has selected M. Otto Conrad Waldemar Cedercrantz, Assistant Judge in the Svea Court of Appeal, for the post of Chief Justice of Samoa.

His Excellency forwarded with the note a translation of the Royal Decree, signed yesterday, by which the King nominated M. Cedercrantz to his new post, and stated that he had addressed similar notes to the Minister of the United States and to the Chargé d'Affaires of Germany at this Court.

I have, &c.,

The Marquess of Salisbury.

F. R. PLUNKETT.

(Inclosure 2.)—Decree.

(Traduction.)

NOUS, Oscar II, par la grâce de Dieu Roi de Suède et de Norvège, des Goths et des Vandales, savoir faisons que, Sa Majesté l'Empereur d'Allemagne, Roi de Prusse, le Président des États-Unis d'Amérique, et Sa Majesté la Reine du Royaume-Uni de la Grande-Bretagne et d'Irlande, Impératrice des Indes, ayant, en vertu d'un Acte concernant la neutralité et l'indépendance des Iles de Samoa, signé à Berlin, le 14 Juin, 1889, par leurs Gouvernements, demandé, d'un commun accord, par leurs Représentants accrédités à notre Cour, qu'il nous plairait de désigner un Grand Juge pour les Iles de Samoa; à ces causes et fins nous avons, en acquiesçant au vœu qui nous a été exprimé, nommé et autorisé, comme aussi par les présents pleins pouvoirs nous autorisons et nommons le Sieur Otto Conrad Waldemar Cedercrantz, Licencié en Droit, Juge-Adjoint de notre Cour d'Appel, Svea, &c., à être Grand Juge aux Iles de Samoa.

En foi de quoi nous avons signé les présentes de notre propre main et y avons fait apposer notre sceau Royal.

Fait au Château de Stockholm, le 3^e jour du mois d'Octobre, l'an de grâce 1890.

(L.S.) OSCAR.

C. LEWENHAUPT.

No. 45.—Count Hatzfeldt to the Marquess of Salisbury.—(Received October 15.)

(Translation.)

MY LORD,

German Embassy, London, October 14, 1890.

BY a note verbale dated the 7th July the British Embassy at Berlin requested to be informed what steps the Imperial Government were thinking of taking with regard to the appointment of a President of the Municipality of Apia. At the same time the

British Chargé d'Affaires expressed the wish of his Government that the Imperial Government should propose a person suitable for the post.

As a suitable official has been found in the person of Baron Arnold Senfft von Pilsach, a superior employé in the Prussian service, I have the honour to recommend him, in the name of my Government, for the post of President of the Municipality of Apia.

The same proposal will be submitted to the Government of the United States by the Imperial Minister at Washington.

Baron Senfft von Pilsach is 31 years old, of the Evangelical religion, and has been a "Regierungs-Assessor" since the 14th May, 1888. He has the best testimonials from the authorities above him to support him, and may be expected to fulfill the duties of President in an honourable, just, and impartial manner. In the business of administration and dispensation of justice Herr Senfft von Pilsach is well versed, and knows the English language.

Under these circumstances, my Government hope that Her Majesty's Government will declare their acceptance of the person named.

I have, &c.,

The Marquess of Salisbury.

HATZFELDT.

No. 47.—Count Hatzfeldt to the Marquess of Salisbury.—(Received October 24.)

(Translation.)

MY LORD,

German Embassy, London, October 23, 1890.

IN pursuance of instructions which I have received, I have the honour to propose to your Excellency that the recently-appointed Chief Justice of Samoa should, when within his jurisdiction, receive from the ships of war of the three Treaty Powers the honours shown to a Consul-General, which would correspond to the respect due to his position.

The same proposal will be made by the Imperial Minister at Washington to the Government of the United States of North America, and that Government will be asked, in the event of their agreeing to the proposal, to send the necessary instructions without delay to the American authorities at Apia.

In view of the approaching departure of Herr Cedercrantz for his post, the Imperial Government would be very much obliged for an early answer respecting the proposal they have made.

I have, &c.,

The Marquess of Salisbury.

HATZFELDT.

No. 48.—The Marquess of Salisbury to Count Hatzfeldt.

M. L'AMBASSADEUR,

Foreign Office, November 7, 1890.

HER Majesty's Government have had under their consideration your Excellency's note of the 23rd ultimo, proposing that the recently appointed Chief Justice of Samoa should, when within his jurisdiction, receive from the ships of war of the three Treaty Powers the same honours as are shown to a Consul-General. I have the honour to inform your Excellency that Her Majesty's Government are prepared to agree to this proposal as an exceptional case, provided that the United States' Government also agree to it.

I have, &c.,

Count Hatzfeldt.

SALISBURY.

No. 49.—The Marquess of Salisbury to Sir E. Malet.

SIR,

Foreign Office, December 2, 1890.

COUNT METTERNICH referred to-day in conversation to the request which the German Government had addressed to the United States' Government for the recognition of Freiherr Arnold Senfft von Pilsach as President of the Municipality of Apia (Samoa), and inquired how the selection was viewed by Her Majesty's Government.

He was informed, in reply, that Her Majesty's Government assented to the appointment, and had so informed the United States' Government in answer to an inquiry made by them.

I am, &c.,

Sir E. Malet.

SALISBURY.

*No. 50.—Consul Cusack-Smith to the Marquess of Salisbury.—
(Received December 8.)*

MY LORD,

Samoa, November 3, 1890.

I HAVE the honour to acknowledge the receipt to-day of your Lordship's despatch dated the 1st ultimo.

The news of the definite departure of the Chief Justice is felt as a relief by all classes here. I have refrained from troubling your Lordship with all the difficulties which the Consuls have had to meet in the collection of the taxes and customs.

It is enough to record that it has been a period requiring unceasing care and tact, and the fact that we have, without offence, overcome every opposition speaks for itself.

I would also record that since my arrival I have, in concert with the other Consuls, been *de facto* responsible for the whole government

of Samoa. There is no native Government whatever, and I am glad to be able to report that we have been able to keep in control the constant plots and open dissatisfaction of the natives at the long delay in the arrival of the Chief Justice. Rumours of war have been constantly in circulation.

I have, &c.,

The Marquess of Salisbury.

T. B. CUSACK-SMITH.

No. 55.—Foreign Office to Consul Cusack-Smith.

SIR,

Foreign Office, January 22, 1891.

I AM directed by the Marquess of Salisbury to inform you that Her Majesty's Government and the Government of the United States of America have respectively notified their assent to the nomination by the German Government of Baron Senfft von Pilsach as President of the Municipal Council of Apia.

I am now to instruct you to make a joint application with your German and American colleagues to the Samoan Government for this appointment, in accordance with the provisions of section 5 of the Vth Article of the Final Act of the Conference on the affairs of Samoa.

I am, &c.,

T. B. Cusack-Smith, Esq.

P. CURRIE.

*No. 56.—Consul Cusack-Smith to the Marquess of Salisbury.—
(Received February 2, 1891.)*

MY LORD,

Samoa, December 23, 1890.

I HAVE the honour to acknowledge the receipt on the 15th December of your Lordship's despatch dated the 16th October last. I immediately communicated with my German and American colleagues, who, although they had not received instructions from their Governments, joined with me in procuring the appointment by King Malietoa of M. Cedercrantz.

Owing to your Lordship's early instructions, we were thus enabled to obtain the appointment previous to the arrival of M. Cedercrantz.

King Malietoa signed the appointment on behalf of the Government of Samoa on the 17th December, but, in accordance with your Lordship's instructions, the appointment dates from the 1st October.

I have, &c.,

The Marquess of Salisbury.

T. B. CUSACK-SMITH.

No. 57.—*Consul Cusack-Smith to the Marquess of Salisbury.*—
(Received February 2, 1891.)

MY LORD, Samoa, December 30, 1890.

I HAVE the honour to report the arrival to-day of M. Cedererantz by the Union Pacific Company's steamer *Alameda*.

I have, &c.,

The Marquess of Salisbury.

T. B. CUSACK-SMITH.

No. 62.—*Consul Cusack-Smith to the Marquess of Salisbury.*—
(Received March 2.)

MY LORD, Samoa, January 19, 1891.

I HAVE the honour to inclose two copies of the Notice issued by Chief Justice Cedererantz with regard to the election of the Municipal Council, which is fixed for the 29th January.

I concurred in the alteration of the "Alafuata Road" to the "Ala Faalava Road," as the former is unknown, and the error arose from embodying in the Berlin Treaty a misprint in the old Municipal Regulations of Apia.

I also agreed, subject to your Lordship's approval, to the suggestion of the Chief Justice that the Consular Representatives of the three Treaty Powers should withdraw all claim to vote in the Municipal elections. My colleagues also agreed to this suggestion.

The only American candidate for the Municipal Council is not supported by the American residents, who are all supporting British candidates.

I have, &c.,

The Marquess of Salisbury.

T. B. CUSACK-SMITH.

(Inclosure.)—*Extract from the "Samoa Times" of January 10, 1891.*

Proclamation.

I HEREBY make known to the people of Samoa and the foreign residents of the islands that I have arrived here and assumed the duties of my office as Chief Justice of Samoa.

Apia, January 2, 1891.

C. CEDERCRANTZ.

Notice.

I HEREBY make known to the residents of Apia that, preparatory to the election of the Municipal Council of the District of Apia, under Article V of the Berlin General Act, the list of voters will

be open for inspection at the office of the Collector of Customs and Taxes from the 11th to the 15th January inclusive, and that complaints about the lists may be addressed to me in writing and delivered to me on the 15th January at the latest.

The Municipal District of Apia is defined as follows :—

Beginning at Vailoa, the boundary passes thence westward along the coast to the mouth of the River Tuluasa, thence following the course of the river upwards to the point at which the Alafuata (Ala Faalava) Road crosses said river; thence following the line of said road to the point where it reaches the River Vaisinago, and thence in a straight line to the point beginning at Vailoa, embracing also the waters of the harbour of Apia.

Each member of the Council shall be a resident of the said district, and owner of real estate or conductor of a profession or business in said district which is subject to a rate or tax not less in amount than 5 dollars per annum.

For the purpose of the election of the Council the said district has been divided into two electoral districts by a boundary-line drawn between the mouth of the watercourse called Mulivai and the summit of Mount Vaea; the district between Vailoa and the boundary-line being called the West District, and the other being called the East District.

From each of these districts three Councillors shall be elected by the taxpayers thereof, qualified as aforesaid, and the members elected from each electoral district shall have resided therein for at least six months prior to their election.

Apia, January 9, 1891.

C. CEDERCRANTZ.

No. 63.—Foreign Office to Consul Cusack-Smith.

SIR,

Foreign Office, March 7, 1891.

I AM directed by the Marquess of Salisbury to acknowledge the receipt of your despatch of the 19th January, and to convey to you his Lordship's approval of your having agreed to the suggestion of the Chief Justice that the Consular Representatives of the three Treaty Powers should not claim to vote at the election of the Municipal Council at Apia.

I am, &c.,

T. B. Cusack-Smith, Esq.

P. CURRIE.

*No. 65.—Consul Cusack-Smith to the Marquess of Salisbury.—
(Received April 2.)*

MY LORD,

Samoa, February 16, 1891.

I HAVE the honour to report that, in accordance with the provisions of the Treaty of Berlin, the election of the Municipal Council for Apia took place on the 30th January, and resulted in the return of three Germans, Messrs Weber, Haidlen, and Grevs-mubl, two British subjects, Messrs. Dunnet and Meredith, and one American, Mr. H. J. Moors, who was hotly opposed by the American Consul and Vice-Consul.

The Municipality had been divided into the East Ward and the West Ward. In the former there were 73 voters, and in the latter 83, a total of 156 voters, of whom 141 recorded their votes. The majority of the British subjects were greatly dissatisfied with the result, but as the best and most peaceable of the candidates have been returned, I hope we may be spared much contention and trouble in the municipal affairs.

After the election of the Municipal Council the Chief Justice requested the advice of the Consuls as to the powers to be exercised by the Municipal Council pending the arrival of the President. My view that the Council was incomplete without the President according to the Act was unanimously agreed to, and it was decided that, until properly constituted, the Council should merely exercise the functions previously performed by the Consuls, viz., the repairs of roads, bridges, &c., lighting, preparation of the monthly Budget, &c.

My reason for strongly wishing to limit the powers of the Municipal Council until the arrival of the responsible President was to prevent the taxes collected during 1890 being squandered in accordance with the "election promises" of the various Councillors.

Already there is a general impression that the salaries of the Chief Justice and the President will be defrayed for ever, if necessary, by the Powers; and without the most rigid supervision of the finances of Samoa some such course would become unavoidable.

The year 1890 only yielded for municipal expenditure, even supposing that all the import and export duties belong to the Municipality, a total of about 1,900*l.*, which will not, as far as can be ascertained, be much exceeded this year.

It would, I venture to suggest with ail submission, be important that the Municipal President should clearly understand that after the first year he must look only to Samoa for his salary.

I have, &c.,

The Marquess of Salisbury.

T. B. CUSACK-SMITH.

No. 67.—Mr. Lincoln to the Marquess of Salisbury.—(Received April 8.)

MY LORD, *Legation of the United States, London, April 7, 1891.*

I HAVE the honour to acquaint your Lordship, in accordance with instructions from my Government, that the President, by and with the advice and consent of the Senate of the United States, has appointed Mr. Henry C. Ide, of Vermont, to be a Land Commissioner in Samoa, under Article IV of the General Act signed at Berlin the 14th June, 1889, by the United States, Great Britain, and Germany, providing for the neutrality and autonomous government of the Samoan Islands.

Mr. Ide is a lawyer by profession, and has a high reputation for competence and impartiality. It is expected that he will leave for his post at an early date.

I have, &c.,

The Marquess of Salisbury.

ROBERT T. LINCOLN.

No. 72.—Consul Cusack-Smith to the Marquess of Salisbury.—(Received April 30.)

MY LORD, *Samoa, March 9, 1891.*

I HAVE the honour to inclose an extract from the "Samoa Times" of the 7th March, 1891,* describing the rebellious attitude of the Island of Manono in this group. The firm action of the Chief Justice has, I believe, crushed what would otherwise undoubtedly have ended in another war in Samoa.

Mataafa is entirely under the influence of the Roman Catholic priests here, and there is but little doubt the action of the men of Manono was inspired from the same quarter.

I have, &c.,

The Marquess of Salisbury.

T. B. CUSACK-SMITH.

No. 80.—Foreign Office to Consul Cusack-Smith.

SIR, *Foreign Office, June 8, 1891.*

I AM directed by the Marquess of Salisbury to acknowledge the receipt of your despatch of the 25th April last, relative to the position and functions of the President of the Municipal Council, outside his municipal duties, as compared with those of the Chief Justice of the Supreme Court.

As the duties of the two functionaries are distinct and are clearly defined in the Act, I understand that the point raised is

one only of precedence, and in that case his Lordship is of opinion that the first place should be given to the Chief Justice.

I am, &c.,

T. B. Cusack-Smith, Esq.

P. CURRIE.

No. 81.—*Mr. B. Haggard to the Marquess of Salisbury.*—(Received June 24.)

MY LORD,

Apia, Samoa, May 23, 1891.

I HAVE the honour to inform you that Mr. Ide, the Representative for the United States on the Samoan Land Commission, arrived three or four days back. Herr Eggert, the German Land Commissioner, will doubtless arrive back again here on Sunday, the 24th, when the vessel is expected from Sydney, where he has gone to recruit his health.

I have been here waiting a month since I returned from Sydney. Our Commission will doubtless begin its work four months after M. Eggert and I arrived together, owing to the absence of the American Commissioner, and I draw your Lordship's attention to the fact that, under the Treaty, there is a period of four months for the mere presentation of documents by owners or claimants to property. As there is no charge to be made by the Commissioners to any one claiming property, I am afraid we shall have many "bogus" claims, as time is of no importance to the native here, and he has no charge to meet on coming forward and claiming property; he will have everything to gain and nothing to lose.

I have, &c.,

The Marquess of Salisbury.

BAZETT M. HAGGARD.

No. 83.—*Consul Cusack-Smith to the Marquess of Salisbury.*—(Received June 25.)

MY LORD,

Samoa, May 18, 1891.

I HAVE the honour to report the arrival on the 28th April of Her Majesty's ship *Cordelia*.

On the 29th April the Samoan flag was hoisted at the mainmast at 8 A.M., and saluted with twenty-one guns.

On the same day Captain Grenfell and a number of the officers were received by the King, who expressed his extreme pleasure at the timely advent of one of Her Majesty's ships, and desired his deep feelings of respect and esteem to be conveyed to Her Majesty.

All the native Chiefs of the Samoan Government were present, and several of them stated that, whereas they had begun to feel that Great Britain had forgotten Samoa, the arrival of the war-ship

and the marked respect paid to King Malietoa had reassured them, and would produce an excellent effect throughout the country.

The King and his Government thanked me for my efforts to maintain peace since my arrival, and I replied that I was only carrying out the wishes of Her Majesty's Government.

King Malietoa paid an official visit to Her Majesty's ship *Cordelia* on the 1st May, when he was saluted on his arrival and departure.

Her Majesty's ship *Cordelia* left Samoa on the 15th May.

I have, &c.,

The Marquess of Salisbury.

T. B. CUSACK-SMITH.

No. 84.—*Consul Cusack-Smith to the Marquess of Salisbury.*—
(Received June 25.)

MY LORD,

Samoa, May 21, 1891.

I HAVE the honour to report that the Chief Justice represented to me, unofficially, his desire that Her Majesty's ship *Cordelia* should convey him and some native police to Léoné, in the Island of Tutuila, to bring back on board some Chiefs who for a long time have defied the orders of the King Malietoa; that they should come to Apia to attend an inquiry into certain offences committed by them against the authority of the Local Resident Magistrate appointed by the Samoan Government; and

2. To compel a large number of natives who, for two years past, since the war, have been living at Léoné and constantly causing trouble, to return to their own homes; and

3. To prove that the Samoan Government, in its work of securing peace and order, has the assistance of the Treaty Powers, and thus refute the rumour which is gaining credence all over the islands, and creating difficulties, that the Samoan Government is left entirely to itself.

At an interview with Captain H. Grenfell, commanding Her Majesty's ship *Cordelia*, he informed me that he had no instructions from the Admiral at Sydney to interfere in the police duties of the Samoan Government, and that, in the event of my being unable to show him any special instructions in this matter, he could not accede to the request of the Chief Justice. Captain Grenfell was also unwilling to place his ship in the invidious position of threatening without being able to carry out his threats. I informed Captain Grenfell that I agreed in his decision.

I informed the Chief Justice next day, the 6th May, of Captain Grenfell's reply, and that I had received no instructions in this matter, and that I agreed in the decision.

The Chief Justice expressed considerable surprise and concern,

and stated that he had understood that the three Treaty Powers would constantly maintain a war-ship at Apia to support him actively in carrying out the Treaty of Berlin.

In the absence of such active support, the Chief Justice considered that the successful carrying out of the Berlin Treaty became almost impossible. His orders were now disobeyed, and he had no power at his back to enforce them.

I reminded the Chief Justice that, in view of the disaster attending the landing of German sailors at Vailele in 1888, reported on page 269 of Blue Book, "Samoa No. 1 (1889),"* the landing of a small force would always be attended with risk, and I explained that it was owing to exceptional circumstances that so large a ship as the *Cordelia* had been sent to Samoa, and that she could only land a maximum of eighty men, a force inadequate in most cases in the dense bush. If, according to usual routine, one of the smaller ships had been sent, the possible landing party would be much smaller.

Only last year the American Consul-General, in October, backed up by the United States' ship *Mohican*, visited the very same place, when the natives retired to the hills and defied the war-ship.

I inclose the account which appeared of his visit in the "Samoa Times" of the 1st November, 1890, which, however, is very meagre.

I further said that it would be impolitic to place Her Majesty's ship in an undignified position, and that I could not assume the responsibility of risking the lives of any of the crew; for, in the very probable event of the Chief Justice and his police being attacked, it would be necessary to land sailors to protect him.

I also deprecated the use of war-ships of the Treaty Powers for police duties, as tending to produce a constant fear of annexation on the part of the population, and to increase the feeling of disquiet and uneasiness in Samoa.

The Chief Justice has informed me of his intention to represent this matter to the Treaty Powers with a view to the issue of definite instructions to the Consuls here.

He has since informed me that neither of my colleagues have any such instructions.

I have, &c.,

The Marquess of Salisbury.

T. B. CUSACK-SMITH.

(Inclosure.)—Extract from the "Samoa Times" of November 1, 1890.

*No. 85.—Consul Cusack-Smith to the Marquess of Salisbury.—
(Received June 25.)*

MY LORD,

Samoa, May 22, 1891.

I HAVE the honour to report the arrival, on the 26th April, of the President of the Municipal Council.

Baron von Senfft was introduced to the King on the 27th by the Consuls, and, in accordance with your Lordship's instructions, I made a joint application to the King to appoint the Municipal President on the 5th May, and the King signed the appointment on the 6th May.

The delay was caused by the American Consul-General not having received his instructions.

I shall be glad of your Lordship's instructions as to the payment of the salary of the Municipal President for his first year of office. His appointment was dated the 1st February, following the precedent in the case of the Chief Justice.

I have, &c.,

The Marquess of Salisbury.

T. B. CUSACK-SMITH.

*No. 87.—Consul Cusack-Smith to the Marquess of Salisbury.—
(Received June 25.)*

MY LORD,

Samoa, May 23, 1891.

REFERRING to my despatch of the 21st May, I have the honour to inform you that the Chief Justice communicated, individually to my colleagues, the great importance he attaches to the constant presence and support of the war-ships of the three Treaty Powers.

The Consuls met informally yesterday, and were absolutely unanimous in the following decisions, which, though not passed as formal Resolutions, I have numbered for facility of reference:—

1. That, in view of the urgency of the request made by the Chief Justice, each Consul should urge upon his Government the necessity of a common agreement between the three Treaty Powers to maintain, in rotation for the present, except during the hurricane months, a war-ship at Apia.

2. That, upon the written request of the Chief Justice, approved by the Consuls, the war-ship on duty for the time being should convey the Chief Justice on purely peaceful visits to the various islands of the group, but that on no account ought the war-ships or sailors of the Powers be used for, or mixed up in, punitive expeditions.

I have therefore the honour to submit these decisions for your Lordship's approval, and in doing so I feel it my duty to say that I am influenced by the urgency of the Chief Justice's request, and

the fact that he considers that the presence of a war-ship was promised to him before accepting office.

I cannot myself attach the same importance to the literally constant presence of a war-ship, and personally think it would be amply sufficient if a war-ship of each Power visited Samoa once or twice a-year, remaining a fortnight or more at each visit.

It would be easy to arrange that the visits of ships of different nationalities should take place in specified months.

I have, &c.,

The Marquess of Salisbury.

T. B. CUSACK-SMITH.

No. 88.—Consul Cusack-Smith to the Marquess of Salisbury.—

(Received June 25.)

MY LORD,

Samoa, May 23, 1891.

I HAVE the honour to report that the present position of affairs in Samoa is becoming critical.

The Government possesses at present even less influence and power than the sway of the three Consuls which preceded it. The Consuls obtained a certain amount of authority from the reflected power of the nations they represented, which does not accrue to the Chief Justice and his Government.

Nearly five months have elapsed, and nothing of importance has been done.

The Supreme Court has not been started, no appointments have been made, no police force recruited; in fact, the natives openly defy the Government, and insubordination is steadily increasing.

The Chief Justice commenced work with the new year, and the Government is still without any money whatever to meet even the vitally important and necessary duties of maintaining order and obedience.

It is, as the Chief Justice owns, more than doubtful whether the capitation tax on natives for last year, now being collected, will be paid over to the Government in July as promised. Many districts have refused to pay, and at least one village has removed bodily to another island to escape taxation.

The white traders throughout the group have set a good example in paying their taxes and licences, but the expense of collection has been great.

I am convinced that, unless the Government can use powerful compulsion, it will be quite futile to attempt the collection of the capitation tax for 1891, which is due.

Meanwhile, without funds, the Government is paralyzed, and is becoming more manifestly feeble every day in the eyes of both Samoans and foreigners.

The Chief Justice confesses in confidence that unless he can have at his back a sufficient force to enable him at once to proceed resolutely and powerfully, he has but small hope of any successful working of the Berlin Treaty.

I am sure that it is a necessity that he should have for two years at least a sufficiently strong force of native constabulary, nominally under Government orders, but taking their orders direct from the Chief Justice, to compel obedience to the decisions of the Supreme Court and of the Government.

Slightly extended powers of independent action granted to the Chief Justice would greatly facilitate the possibility of a successful issue to the provisions of the Treaty.

If the Treaty Powers would advance a small sum sufficient to really establish the Government, the repayment is absolutely certain, and the Chief Justice would be in a position to vigorously collect the taxes and proceed with the work of pacifying Samoa, which has to be done before the provisions of the Treaty can be successfully applied.

These suggestions which I venture to lay before your Lordship have the warm approval of the Chief Justice.

I have, &c.,

The Marquess of Salisbury.

T. B. CUSACK-SMITH

*No. 92.—Extract of Report from German Vice-Consul, Apia.—
(Communicated by Prince Pless, July 17, 1891.)*

(Translation.)

DURING the recent visit of the British man-of-war *Cordelia*, the Chief Justice of Samoa requested the intervention of the English Consul to obtain a passage to Tutuila on board that vessel, in order to settle some disturbance which had broken out there, and to bring back to Apia as a punishment a number of natives who had refused to obey the orders of the Samoan Government.

On Captain Grenfell refusing to grant this request, and basing his refusal on the tenour of his instructions, Herr Cedererantz applied to the Representatives of the three Treaty Powers to obtain from their respective Governments the required instructions to the Consuls and the naval officers. Herr Cedererantz gave the Consul to understand that he would send a written application, but afterwards desisted from his intention, and repeated his application to-day by word of mouth. As Messrs. Sewall and Cusack-Smith had already consented to the request of the Chief Justice that they should report about the matter to their Govern-

ments, I have thought it my duty not to hold aloof from the point Herr Cedercrantz has raised, even in its present position.

As regards the matter itself, the Consular Representatives are agreed that support of the Samoan Government by vessels of war must be confined, in this case and in general, to bring the Chief Justice (and the President of the Municipal Council, as Adviser to the Government) to the spot, accompanied, if necessary, by the proper legal or other officials on board a man-of-war, and giving weight to their decisions by the presence of the latter. Any possibility of a conflict between the Consuls would be prevented by the Samoan Government not applying only to the Consul belonging to the country represented by the ship of war, but having to obtain the consent of the two other Consuls, and the proper amount of deliberation would be imparted to the steps taken by the Samoan Government by the space of time necessary for the Representatives of the three Powers to arrive at an agreement. The principle has already been laid down in the despatch of the 12th January, 1880, that the ships of war of the three Powers should not act with a view to maintaining peace and order in Samoa except with the consent of all three Consuls, and such a combined support of this Government has several times been followed with the greatest success, as, for instance, in the case reported by Consul-General Dr. Stuebel on the 11th December, 1883, and in that mentioned in the despatch of the 9th September of last year, in which Consul-General Sewall went to Savaii on board the *Mohican* with a mandate from the Consuls to publish a common Proclamation.

The Consuls would not consider themselves empowered, without fresh instructions, to cause any landing of troops for supporting the Samoan Government, or, in fact, to sanction any military demonstrations. In my case, this would be prohibited by the terms of the despatch of the 4th April, 1889. But even an application from the Government to take Samoan police on board and land them under the protection of the guns should not be complied with, in the opinion of the Consular Representatives, without fresh directions. The Government should, in such a case, transport their police in boats or any other way. Similarly, transport of prisoners by vessels of war should be avoided, though the latter might possibly be allowed to convoy the Samoan vessels across.

For my part, if a requisition of a German vessel of war were made, I should, as a general principle, take the line described by Consul-General Dr. Stuebel in his Report of the 28th March, 1891, for my guidance.

The Chief Justice has stated to the Consuls that it would be a particularly valuable help to the Samoan Government if it could

be arranged between the three Powers always to keep one ship of war stationed here, with the exception of the three months of the bad season.

I have the honour to beg your Excellency to furnish me with instructions on both the above points, and also, in the case of the matter being settled favourably to the Samoan Government, as to what attitude should be taken up with regard to the expenses caused by the passages and keep of the Samoan officials.

No. 93.—Consul Cusack-Smith to the Marquess of Salisbury.—

(Received July 23.)

MY LORD,

Apia, June 8, 1891.

I HAVE the honour to remind your Lordship that in my despatch of the 23rd May I drew attention to the unsatisfactory and somewhat critical position of the Samoan Government, and I have now the honour to report that on Sunday, the 31st May, at 8 A.M., I received information that Mataafa, who was some time Vice-King, had that morning proceeded to the Roman Catholic Church in Apia at 6 A.M. to attend service, and had thence been taken down to Malié, a village some seven miles down the coast westwards, by natives in boats, for the purpose of being made King in opposition to Malietoa Laupepa.

As the village of Malié has, according to Samoan custom, the right of conferring the Royal title of Malietoa, the gravity of the news was greatly increased.

At midday I received a letter from King Malietoa Laupepa confirming the report.

I went to Mulinuu and saw the Chief Justice and the President of the Municipal Council, but obtained no information beyond the fact that a petty Chief and two policemen had been dispatched to Malié to demand the return of the prisoners.

On my way home the King came out to meet me, and urged that the Consuls should assist him in this difficult matter. I replied, in Samoan, that the Samoan Government was supported by the three powerful nations, and that he need not be anxious.

The return of the prisoners having been refused, the Government had, on the evening of the 1st June, exhausted all its resources for securing obedience to its demands, two expeditions having returned unsuccessfully.

At my suggestion the Consuls then met informally to consider the situation. We were unanimous in thinking that peace or war trembled in the balance, and that some step should be taken to calm the apprehensions of the white residents.

Just at this point the Municipal President arrived, and stated

that as a last resource he was himself going to Malié to induce Mataafa to deliver up the prisoners. He informed us further that the Chief Justice would not accompany him, for the Chief Justice was going next morning on a trip to Savaii.

The Municipal President, on behalf of the Samoan Government, begged the Consuls to accompany him on his mission, as he had but small hopes of success if he went alone.

This request having been made in writing, the Consuls unanimously agreed to accede to it, and on the 2nd June accompanied the President, not in connection with the Samoan Government, but as representing the Treaty Powers.

At the interview Mataafa was warned in the strongest terms by each of us that any opposition to the Samoan Government would entail on him the severest penalties.

He informed us that he was not in rebellion against the Samoan Government, or in opposition to the Treaty Powers, but that he had recently been made King by some of the most influential districts of Samoa, and that he could easily have broken up the Samoan Government, with which, however, he did not wish to interfere. It would continue to be the Government for the white people, and he would assist it in a friendly manner. There had been two Kings frequently in Samoa.

Finally, he said that after hearing our warnings he would submit his grievances to the Samoan Government, and, in accordance with the request of the Consuls, return with them to Apia forthwith.

This he did, and after two days was permitted by the Samoan Government to return to Malié on parole for three weeks, after which he promised to return to Apia and arrange with the Samoan Government as to his future residence.

He returned the prisoners.

Owing to the inopportune absence of the Chief Justice, both the Municipal President and the Consuls were deprived of his advice and decision in this most critical matter.

The action of the Consuls in bringing Mataafa back to Apia immediately allayed all feeling of insecurity, and the submission of Mataafa, even temporarily, to the Samoan Government has seriously damaged his prestige. It also postponed the war, giving the Samoan Government time to recruit and prepare the necessary force to deal with Mataafa, or to arrange other plans.

I have, &c.,

The Marquess of Salisbury.

T. B. CUSACK-SMITH.

No. 94.—*Consul Cusack-Smith to the Marquess of Salisbury.*—
(Received July 23.)

MY LORD,

Apia, June 15, 1891.

I HAVE the honour to report that the German war-ship *Sperber* arrived here on the 6th June, intending to make only a short stay.

In view, however, of—

1. The bad effect upon the natives which would be occasioned by the departure of the war-ship just before the 1st July, when the capitation tax has to be paid;

2. The fact that the punctual payment of the tax is vitally important to the Samoan Government:

3. The great uncertainty as to its payment reported in my despatch of the 23rd May; and

4. The position of Mataafa at Malié, reported in my despatch of the 8th June;

the three Consuls unanimously agreed that it was necessary that the *Sperber* should remain at Apia until after the 1st July, and that if possible a war-ship of the two other nations should be present about the same date.

The *Sperber* accordingly arranged to remain till the 12th July, when she must leave for Sydney to receive her relief crew.

I wrote on the 7th June to Admiral Lord Charles Scott, Commander-in-chief at Sydney, explaining the situation here, and concluded in these words:—

“If your Lordship can, without great additional expense or trouble, spare a ship to visit Samoa on or about the 1st July or on the 12th to relieve the *Sperber*, the assistance to the Samoan Government will be very great. The ship need only make a short stay—just sufficient to demonstrate to the Samoans that the three Powers are still united in dealing with Samoa.”

The *Sperber* has since, on the representations of the Samoan Government, arranged, with the consent of the German Government, to further extend her stay, her relief crew being sent up here from Sydney.

I have, &c.,

The Marquess of Salisbury.

T. B. CUSACK-SMITH.

No. 96.—*Mr. B. Haggard to the Marquess of Salisbury.*—(Received July 23.)

(Extract.)

Apia, Samoa, June 12, 1891.

I HAVE the honour to inform you that my German colleague, Herr C. Eggert, returned here from Sydney some five or six days after the arrival of the United States' Commissioner, Mr. H. Ide. We began making arrangements at once for opening the Com-

mission, and speedily got matters so far advanced that we published our Notice (in English, German, and Samoan) in the "Samoan Times" newspaper, in its issue of the 30th May. We also had printed our official Notice in those languages, dated the 1st June, in accordance with Article IV of the Berlin General Act. I inclose copy of the "Samoan Times" with the advertisement, also copies of our official placard.

With respect to the order in which our signatures are affixed, it was suggested and accepted by us all that our respective ages should be the rule for the order in which we should always sign documents. It was found that the United States' Commissioner was the oldest, I was next in order in years, and Herr C. Eggert the youngest; consequently we respectively signed, and shall do so in the future, in that order.

We fully expected to have taken our rooms and offices for the Commission, and engaged our Secretary, on the 1st day of June. As your Lordship is aware, by Article IV, section 2, of the Berlin General Act, the Chief Justice of Samoa has to approve of the items of expenditure to be incurred by the Land Commissioners. Before, therefore, actually incurring this expenditure, we wrote a joint letter to the Chief Justice. We sent it him specially on the morning of the 30th May, informing him what expenses we were about to incur, and asked his approval. Hearing that he, though he that day himself had only opened his Court, was proceeding for a fortnight's trip round the Island of Savaii, we requested Herr C. Eggert to see the Chief Justice and beg him to look at our letter and give us a reply. This he did, but the Chief Justice said he had not time to attend to our letter.

The Chief Justice did not leave here till the 2nd June about midday. M. Eggert saw him a second time, and again requested his attention, but he gave us no answer. I trust that immediately on his return, in some three days' time, he will favour us with a reply. Fortunately the four months' probation time, from the 1st June, is running, as we had advertised the opening of the Commission from that date.

I shall have the honour in a few days of forwarding to your Lordship printed copies of our Rules, our forms for aliens' claims and native objections.

I can assure your Lordship that since we Commissioners have been able to meet together, we have not delayed an hour. We are most anxious to commence hearing cases and adjudicating as fast as possible.

The Marquess of Salisbury.

BAZETT M. HAGGARD.

(Inclosure.)—*Extract from the "Samoa Times" of May 30, 1891.*

SAMOAN LAND COMMISSION.

NOTICE is hereby given that the Commission appointed by the three Treaty Powers for the adjustment and settlement of all claims by aliens of titles to land or an interest therein in the Islands of Samoa in accordance with Article IV of the Berlin General Act, relating to Samoa, has been duly organized, and that all claims on the part of any foreigners to any title or interest in lands in Samoa must be presented to the Commission, with due description of such claim and all written evidence thereof, within four months from the 1st day of June, A.D. 1891, for the purpose of examination and registration, and that all claims not so presented will be held invalid and for ever barred. The head-quarters of the Commission will be at Apia, and all claims should be there duly presented.

Dated at Apia, in Samoa, this 30th day of May, A.D. 1891.

HENRY C. IDE, *Commissioner on behalf of the United States of America.*

BAZETT MICHAEL HAGGARD, *Her Britannic Majesty's Commissioner.*

C. EGGERT, *His Imperial German Majesty's Commissioner.*

No. 102.—*Verbal Communication made by Count Hatzfeldt, July 28, 1891.*

THE Imperial Government are willing to consent to the foreign naval forces stationed in Samoa being, in case of need, called to support the Local Government, as suggested in the despatch from the Imperial German Consul communicated on the 17th July, under the condition that Her Majesty's and the United States' Government agree upon this matter. Although a real military action on the part of the men-of-war can only take place in consequence of special orders from their respective Governments, it seems to be desirable to take the necessary steps in order that a general authority may be given to the Naval Commanders to convey the Chief Justice and his officers, or on the request of the Chief Justice, who acts in concurrence with the three Consuls, to transport and to land the police forces of the Samoan Government to such places on the islands which are in a critical position.

In the case of Her Majesty's Government holding the same view in this question, the Imperial Government would be glad if Her Majesty's Government would prepare a draft of identic instructions

to be given to the three Commanders of the naval forces in the Samoan waters, upon which instructions the Imperial Government could enter into negotiations with the United States' Government.

*No. 107.—Consul Cusack-Smith to the Marquess of Salisbury.—
(Received August 20.)*

MY LORD,

Apia, Samoa, July 9, 1891.

WITH reference to my despatch of the 8th June, in which I reported that the High Chief Mataafa was allowed by the Samoan Government to return to Malié on parole for three weeks, I have now the honour to report that on the 18th June I received a letter from Mataafa, who signed himself by the kingly title of "Malietoa Mataafa," informing me that he would break his parole. This he has done, and he is still at Malié.

His followers now number, it is said, 600 armed men, but I do not believe that most of them have any ammunition.

On the 2nd July the Consuls received from the Samoan Government a letter signed by Baron von Senfft, Adviser to the King, of which I inclose a copy.

The Consuls thereupon had a long interview with Baron von Senfft, and agreed to issue a Proclamation in accordance with the request of the Samoan Government.

I append copy of the Proclamation, with translation.

With regard to the second request of the Samoan Government that the Treaty Powers should send men-of-war, and invest the Consuls with power to use them according to their independent judgment in every case, I expressed myself, in the absence of further instructions, as opposed to such a course, and urged the Samoan Government to face the crisis, and not to rely upon men-of-war, which, in my opinion, can do no good, and may do much harm.

I have, &c.,

The Marquess of Salisbury.

T. B. CUSACK-SMITH.

(Inclosure 1.)—Baron von Senfft to the Consuls of the Treaty Powers.

GENTLEMEN,

Apia, July 2, 1891.

BY letters dated from the 6th June, 1891, I had the honour to inform you that the Chief Mataafa, in leaving Apia on the 4th June, promised the Government that he would stay quietly in Malié, and return here after three weeks.

In accordance with my verbal communication of yesterday, I now beg to explain to you that on the 8th June Mataafa sent me a letter announcing that he would not come back, but stay in Malié, because he heard from the Government members, "the Government intended to arrest and punish him with death or exile." This letter not having been answered, the mentioned three weeks expired on Thursday, the 25th June, but Mataafa did not return till to-day.*

Before already the Government received intelligence of steps he took being flatly inconsistent with his assurance he would hold only his Malolo—that means rest—in Malié. He sent messages to numerous places of the islands, calling upon the people to come down to him. Several places refused to follow this invitation: nevertheless, according to the last news, the Government estimates the people surrounding Mataafa at present to be 200 approximately without women and children, and about one-half of them are reported to be provided with rifles. They came from Poloa or Tutuila, from the Aleipata district, from Lepa and Fagaloa, and most of them came down on the last week. Just to-day the Manono people are reported to be going to Malié also.

With reference to the meaning of this gathering, the Government is informed that Mataafa adopted all manners which are by the customs of the Samoan people attached to the Royalty.

In face of such circumstances the Government regards Mataafa's staying in Malié as an attempt either to overturn King Malietoa's Government, or at least to form a second Government in Malié, being independent of the present one. In the former case, the provision made in Article I of the Berlin Treaty is violated; in the latter, the order and even the peace within the islands are endangered continually.

The Government, therefore, feels obliged to check Mataafa's going on as soon as possible. The situation is complicated in no small degree by the difficulty to reach this purpose without bringing on the same danger which we wish to prevent—that means the civil war.

The Government intends to exhaust at first all peaceable means which may put an end to the present trouble. If we do not succeed in this way we are compelled to use all force we should be able to get in order to knock down the rebellion at once.

In both cases the Government hopes to find the assistance of the three Treaty Powers and their Representatives here. The moral impression of their concordant action will increase [of] our peaceable proceedings.

* The meaning is: "has not returned up till to-day."—T. B. CUSACK-SMITH.

Their united arms will, in case of necessity, strengthen our force and frighten the people to begin the war.*

By order of His Afroga the King Malietoa, I have the honour to forward to you two requests of the Samoan Government.

At first I ask you to issue a common Proclamation, saying that Malietoa Laupepa only, and nobody else, is recognized as King of Samoa by the Treaty Powers, and that these Powers will regard as their enemy whoever tries to undermine the present Government, stating, besides, that all rumours are lies which have lately spread that one of the Powers supports Mataafa.

If you comply with this request, the Samoan Government will issue a Proclamation saying that all people who are in Malié being not at home there have at once to return to their own places, and forbidding all other people to go down to Malié.

Should these two Proclamations be successful, the Government will consider about further steps, and will always be thankful to hear your opinion.

My second charge is to request at any rate the assistance of your Governments by sending men-of-war, and by vesting you with the power to use them when required by the Samoan Government according to your independent judgment in every case.

I ask you, Gentlemen, to kindly forward this request to your Governments by the telegraph.

I have, &c.,

SENFFT VON PILSACH.

(Inclosure 2.)—Proclamation.

(Translation.)

Know all Men!

We, the Representatives of the three Great Governments:

WE make it known to all Samoans as follows:—

There is one Government for all Samoa and one King. He is Malietoa Laupepa. These are the words of the Treaty. The three Great Governments will not allow this Treaty to be transgressed.

The Government of Malietoa Laupepa is strong, because the three Great Governments have made it.

Those who op'ose it work in vain, and all opposition will be overcome.

Some evil-disposed persons have spread reports that one of the Great Governments wish a certain Chief to be King.

This is false.

* The meaning is: "from beginning the war."—T. B. CUSACK-SMITH.

The three Great Governments are as one.

They are friends of Samoa, but enemies of all who make trouble here.

We therefore warn all Samoans to obey the Government, and to obey quickly.

HAROLD M. SEWALL.
T. B. CUSACK-SMITH.
SCHMIDT.

*No. 110.—Consul Cusack-Smith to the Marquess of Salisbury.—
(Received August 21.)*

MY LORD,

Samoa, July 19, 1891.

I HAVE the honour to report that last night, after the mail for England had closed, I received the inclosed urgent letter from the Samoan Government, which I regret that I have not time to copy, and am therefore obliged to inclose the original.

This morning the Adviser to the King, Baron von Senfft, together with the German Vice-Consul, called upon me and urged me to support the request of the Samoan Government contained in the inclosure.

I pointed out to Baron von Senfft that his letter was written in rather more of an alarmist strain than the situation warranted.

I then made the following proposition, which immediately received the approval of Baron von Senfft and the German Vice-Consul:—

That as the bad season begins in January, the Treaty Powers should issue instructions for the assembling at Samoa on the earliest possible date of a joint squadron, consisting of three war-ships of each nation, for the following definite purpose:

The squadron on arrival at Apia to report to the Consuls, who will thereupon issue to all Samoa a Proclamation announcing that, owing to the disobedience of Mataafa and certain other Chiefs, the Treaty Powers have sent their ships to Samoa to insist upon implicit obedience upon the part of all Samoans to the Samoan Government and the provisions of the Berlin Treaty.

That after this Proclamation has been carefully distributed throughout all Samoa the squadron shall be formed into three divisions, each consisting of one ship of each Power. That one division shall go to Tutuila, one to Savaii, and one round Upolu, and that one of the Consuls shall go with each division.

That the head-quarters of each district shall be visited in a friendly way, and the Chiefs informed by the Consul and the Captains that the Treaty Powers insist upon absolute loyalty and obedience to the Samoan Government, and that each Chief is

required to attend a great meeting in Apia on a given date, bringing with him all guns, rifles, and ammunition in the possession of himself and his people.

That every rifle, gun, and all ammunition so produced will be paid for at a fair price by the Samoan Government, and sent away from Samoa to secure peace in the future.

That if Mataafa and the Chiefs who have been supporting him give themselves up to the Samoan Government before the date of such meeting, or are surrendered by the Chiefs at the great meeting alluded to above, they will be tried by the Supreme Court of Samoa and punished severely, but not with death; but that if Mataafa on the date of the great meeting is still at large, the squadron will arrest him and his Chiefs, and punish them as rebels with death or deportation.

Such definite and identic instructions are essential to the success of the scheme, which includes not only the assertion of the rights and prestige of the Treaty Powers and the crushing of the present rebellion, but also the complete disarmament of all the Samoans and half-castes, which would be in itself an effective guarantee against future rebellions, and also obviate the necessity of any further interference by war-ships of the Treaty Powers.

The mail-schooner has been delayed on purpose to take the despatches of the Consuls on this subject, and I have been obliged to write somewhat hurriedly.

I should add that only in the unlikely event of Mataafa being still at large after the date of the proposed great meeting would it be necessary for the squadron to take warlike measures against the rebels, and no opposition would be possible against the overwhelming forces of the Treaty Powers.

Telegraphic reply is respectfully requested.

I have, &c.,

The Marquess of Salisbury.

T. B. CUSACK-SMITH.

(Inclosure.)—Baron von Senfft to the Consuls of the Treaty Powers.

GENTLEMEN,

Apia, July 17, 1891.

I HAVE the honour to inform you that in respect of Mataafa and his supporters staying in Malié, the Proclamations issued by you and by King Malietoa a fortnight ago did not succeed.

Only the people of Manono left the place some days ago, but not at all in order to return to their district. They went at first to Leulumaga, and called upon the people to join Mataafa, and to go with him in the wars against the present King and his Government.

At present they continue to visit the places of the Aana district, addressing the same exhortations to the people.

Even if these trials do not obtain a greater success than they are reported to have obtained hitherto, King-Maliétoa and his advisers are unable to fulfil the task they are trusted with by the three Treaty Powers, inasmuch as they are not enabled to suppress the rebellion without entering upon a civil war.

Our different reporters estimate the number of those of Mataafa's followers who are furnished with arms at about 600, including the Manono people.

By using his own forces, that means by sending a sufficient division of Samoans to Malié in order to seize Mataafa and to scatter his partizans, the Government would bring on the civil war undoubtedly, and frustrate the carrying out of the Berlin Treaty for long years, perhaps for ever.

On the other hand, we shall be compelled sooner or later to take such steps, if not, after the kind assistance you have afforded to the Government until now, we also obtain the assistance of your respective Governments for the purpose of securing the leaders of the rebellion and trying them as criminals.

That this could not be done Mataafa's messengers were openly boasting some weeks ago already.

The members of the Government are well aware that it belongs to their duties to furnish themselves with a force of police sufficient for their safeguard, and to establish within the various districts and administrations powerful enough for the execution of the laws. But there is no possibility of undertaking improvements with hope of success while the authority of the Government is openly violated. Besides, all these necessary arrangements cannot be made at once.

White officials, for instance, can be appointed in the districts only gradually. If there are appointed many at the same time, the Samoan people will feel more dissatisfied than now.

According to reliable reports, already those salaries of white officials which are fixed in the Berlin Treaty cause much trouble amongst the natives.

The value they set on the benefits of the civilization which we are charged to bring to them is not very high.

For the Treaty Powers there exists the alternative only to give up the protection of their respective interests or interested citizens in these islands, or to maintain the provisions of their agreement, even against the wishes of the Samoans.

I think you will find that the latter purpose will be reached by the co-operation of a squadron, consisting of men-of-war of the Treaty Powers. Very likely its demonstrative appearance will secure the punishment of the rebels, without any danger of war.

This first and most urgent question having been settled, the authority of King Malietoa's Government will be re-established. Perhaps the remaining of about three men-of-war in the waters of the islands will be required for a longer time. At any rate, it seems that only in this way the development of the islands will go on under the provisions of the Berlin Treaty.

By authorization of His Afroga the King Malietoa [*sic*], I have the honour to request your favourable consideration of the foregoing views, and the communication of them to your Governments.

I have, &c.,

SENFFT VON PILSACH,

President of the Municipal Council.

No. 117.—Foreign Office to Consul Cusack-Smith.

SIR, *Foreign Office, September 8, 1891.*

I AM directed by the Marquess of Salisbury to state to you that he has carefully considered your despatches of the 26th June and 9th July last, in regard to the payment of the expenses entailed by the work of the Land Commission in Samoa.

It appears from the letter which the Land Commissioners addressed to the Consuls of the three Treaty Powers on the 1st July last, that the United States' Representative in Samoa is already fully authorized to defray one-third of the expenses in question, and that the United States' Land Commission joined in the appeal to the Consuls only to insure uniformity of action with his colleagues.

Lord Salisbury has ascertained that the German Government, on their part, are prepared to give additional powers to their Representative in Samoa to advance their share of the expenses.

Lord Salisbury, therefore, authorizes you to advance one-third of the sum of 1,000 dollars as the share contributed by Her Majesty's Government towards defraying the immediate expenses of the Land Commission, as specified in your above-mentioned despatches.

You will reimburse yourself by drawing bills on the Chief Clerk of this Office up to an amount not exceeding 66*l.* 13*s.* 4*d.*

The German Government point out that, in order to insure strict economy, it would be advisable that the Chief Justice of Samoa should continue to decide as to the necessity for the disbursements to be made by the Land Commission in accordance with the provisions of section 2, Article IV, of the Final Act. In order to prevent any fresh difficulties arising, they suggest that the Representatives of the three Treaty Powers in Samoa should

request the Chief Justice to give such an interpretation to the section in question as will provide that not only the expenses of collecting evidence and of taking surveys, but also all other necessary and useful expenditure of the Land Commission, shall be borne by the Treaty Powers in the proportion of one-third each.

In this view of the case Lord Salisbury entirely concurs; and you will accordingly be so good as to make, in concert with your colleagues, a communication in the above sense to the Chief Justice and to the British Land Commissioner.

I am to add that your proceedings and those of Mr. Haggard in this matter are approved.

I am, &c.,

T. B. Cusack-Smith, Esq.

T. H. SANDERSON.

*No. 119.—Consul Cusack-Smith to the Marquess of Salisbury.—
(Received September 21.)*

(Extract.)

Samoa, August 15, 1891.

I HAVE the honour to report that a certain amount of friction has arisen over the settlement under section 4, Article VI, of the Berlin Treaty, as to what is to be the recognized equivalent of the United States' dollar in the currencies.

The Samoan Government has wisely decided that the gold currencies of America and Great Britain shall be admitted as equal in value.

The silver money of the United States and Great Britain shall be the only silver currencies admitted.

All other currencies shall be expelled from Samoa.

Baron von Senfft, the Adviser to the King, refuses to permit this decision of the Samoan Government to be considered law, but the Samoan Government have up to now stood firm.

No doubt the question will be settled before I can write again.

The Marquess of Salisbury.

T. B. CUSACK-SMITH.

*No. 120.—Consul Cusack-Smith to the Marquess of Salisbury.—
(Received September 21.)*

MY LORD,

Samoa, August 15, 1891.

I HAVE the honour to report the arrival, on the 7th August, of the United States' war-ship *Iroquois*, Commander Read, which, with the German *Sperber*, will probably remain some time.

I do not think that Captain Read has any orders relative to the revolt of Mataafa; but that owing to Consul-General Sewall's

despatches the United States' Government have dispatched the vessel to Samoa.

The situation remains unchanged, except that the Municipal President, in his capacity of Adviser to the King, has assumed the position of Dictator to the Samoan Government.

The Samoan Government have resented this, and there is no doubt that his future influence in Samoa will be greatly lessened.

To guide the Samoans it is absolutely necessary to earn their confidence, and study in all things their ways and habits, which are deeply rooted in their nature.

I fear that the present form of government in Samoa cannot continue long, as the two white officials have little authority with the Samoans, and although the Chief Justice arrived in December 1890, and the Adviser to the King in April last, it is now close on September, and practically nothing has been done to put an end to the disorder prevailing in Samoa.

Not one law has been passed.

The Chief Justice informally announced that he was going to Fiji on the 7th August, despite informal protests from all the Consuls.

He proposed to visit Sydney, and be absent three months from Samoa, on what was purely a pleasure trip. There is no provision in the Treaty for any of his duties being performed unless his office is vacant. He only sent a message to the captain of the steamer half-an-hour after its usual time of starting that he was not coming on board.

The steamer had been detained one hour expressly for the Chief Justice's convenience.

He still says that he will go to Fiji by the next steamer or by the first man-of-war that will take him.

His absence during the present unsettled state of affairs, with Mataafa's revolt still to be coped with, the currency still to be settled, and references from the Land Commission inevitable, to say nothing of the shutting up of the Supreme Court, which was not opened for hearing until the 15th July, would add enormously to the difficulties of the situation.

The Samoans talk openly of refusing "to pay the enormous salaries of the white men as soon as the three Powers cease to do so."

I should be very glad to be able to express civilly to the Chief Justice, on behalf of Her Majesty's Government, the hope that he will not absent himself from his post until the three Powers have agreed as to how his duties are to be carried on in his absence.

One vigorous official, in the place of the two who are bound to have continual friction between them, could in a few months, under

the existing Treaty, with very slight modifications, do much to establish a firm and popular Government in Samoa, but the official must understand the Samoans, and know all the difficulties of the place.

I have, &c.,

The Marquess of Salisbury.

T. B. CUSACK-SMITH.

No. 121.—The Marquess of Salisbury to Consul Cusack-Smith.

(Telegraphic.)

Foreign Office, September 26, 1891.

THE Governments of the United States and of Germany have rejected the proposals contained in your despatch of the 19th July.

*No. 122.—Consul Cusack-Smith to the Marquess of Salisbury.--
(Received October 16.)*

MY LORD,

Samoa, August 31, 1891.

WITH further reference to my despatch of the 15th instant, I have the honour to inform your Lordship that although the currency question is still awaiting final settlement, yet satisfactory progress has been made.

On the 12th August the Municipal Council passed a Resolution adopting the rate of exchange for gold coins fixed by the Consuls in May 1890, and admitting American, Chilean, British, and German silver, which, however, was only to be legal tender up to the amount of 10 dollars.

This Resolution would have enabled the German silver mark to flood the country, as it has done in Tonga, to the great inconvenience of all British traders.

I therefore proposed the following amendment at the Consular Board, and induced my German colleague to give it his support, and the Consuls passed it unanimously:—

“That the currency in use and the rates of exchange be for the present—

“The United States’ gold coinage.

“The British gold coinage; the sovereign to be equal to 4 dol. 86 c. United States’ coin.

“The German gold coinage; the 20-mark piece to be equal to 4 dol. 76 c. United States’ coin.

“Only United States’ silver, and Chilean at the rate of 7 dollars to the 5 dollars United States’ coin, to be accepted, and without limit.”

That this met the difficulty, for the time being at all events, is proved by the fact that the Municipal Council, with the sole

exception of the President, were unanimous in adopting the amendment in lieu of their own Resolution.

This rate of exchange is only for the purposes of all taxes and duties, &c., in the Municipality, and does not interfere with the right of traders to employ any coinage most suitable to their requirements.

King Malietoa having, by letter to each of the Consuls, complained of the action of Baron Senfft von Pilsach in refusing to accept the decision of the Samoan Government reported in my despatch of the 15th instant, and having asked our advice, we, in a joint letter on the 25th August, forwarded to the King a copy of the rates of exchange and the currencies adopted by the Municipal Council at the suggestion of the Consular Board. In this, as in all other matters, the Consuls have worked together with the most perfect harmony and unanimity.

I have, &c.,

The Marquess of Salisbury.

T. B. CUSACK-SMITH.

*No. 123.—Consul Cusack-Smith to the Marquess of Salisbury.—
(Received October 16.)*

MY LORD,

Samoa, September 2, 1891.

IN further reference to my despatch of the 15th ultimo, I have the honour to inform your Lordship that on the 27th August I received a letter from M. Cedercrantz, Chief Justice of Samoa, informing me that he would leave Samoa on the 4th September for Fiji, and that he might be unable to return in less than eight weeks.

I formally acknowledged the letter on the 28th August.

I have the honour to inclose a copy of a joint note signed by all the Consuls and forwarded to M. Cedercrantz yesterday, drawing his attention to the serious consequences which may arise from his absence at the present political crisis.

I also inclose an extract from the "Samoa Times," which fairly describes the public feeling on the matter.

Mataafa asserts that the Chief Justice's absence is his opportunity, and that he will begin fighting.

In accordance with the joint letter of the Consuls to the Chief Justice, I have now the honour to request that, if possible, steps may be taken by the Treaty Powers to determine under what conditions, and with whose consent, the Chief Justice may for the future take leave of absence, and to provide for the delegation of his duties to a substitute during such absences.

I would point out that provided he cease for the time being to

act as President of the Municipal Council, the Adviser to the King (Baron Senfft von Pilsach) would perhaps be a satisfactory substitute to all parties.

I have, &c.,

The Marquess of Salisbury.

T. B. CUSACK-SMITH.

(Inclosure 1.)—*The Consuls of Great Britain, Germany, and the United States at Apia to M. Cedercrantz.*

SIR,

Apia, September 1, 1891.

WE have the honour to inform you, with all respect, that we feel it our duty to draw your attention to the serious and unfortunate consequences which may arise owing to your absence from Samoa at the present political crisis.

Under the Berlin Treaty it is not possible for you to delegate any of your duties to a substitute while you hold the Chief Justiceship.

We would, therefore, express the hope that you will postpone your projected departure until our respective Governments have been communicated with, in order that arrangements may be made to appoint a substitute during your absence.

We have, &c.,

T. B. CUSACK-SMITH, *Her Britannic Majesty's Consul.*

F. SCHMIDT, *Imperial German Vice-Consul.*

W. BLACKLOCK, *Vice-Consul-General, U.S.A.*

(Inclosure 2.)—*Extract from the "Samoa Times" of August 22, 1891.*

WE understand that it is the intention of the Chief Justice to go to Fiji by the steam-ship *Wainui* leaving here on the 4th September, for the purpose of interviewing the Governor of Fiji on some important matters relating to Samoa. What these matters are we are unable to say, but they must be of more than ordinary interest, otherwise the Chief Justice would communicate with the Governor of Fiji in writing. He had intended to leave by the *Wainui* last trip, but was unable to get ready in time, the vessel leaving the port earlier than usual.

The question now arises whether any person in Samoa could be appointed to exercise the functions of the Chief Justice's office during his temporary absence, and a rumour was very general that the President of the Council would assume the duties while he was away from Samoa.

Section 2 of Article III of the Berlin Treaty states:—

“The powers of the Chief Justice in case of a vacancy of that office from any cause shall be exercised by the President of the Municipal Council until a successor shall be duly appointed and qualified.”

A temporary absence does not constitute a vacancy, therefore the President of the Council could not assume the duties of the Chief Justice, and the Berlin Treaty makes no provision for any other person or persons to act in his stead. Owing to the want of direct communication with Fiji he may not be able to return to Samoa for several weeks, and it is consequently of very great importance that all subjects awaiting the arbitration or decision of the Chief Justice should be settled before his departure.

The Chief Justice is not only Judge of the Supreme Court, he has also to arbitrate and finally decide on public matters on which the Municipal Council and the Consular Board disagree, and of late he has frequently been called upon to arbitrate between the Board and the Council on very delicate and important public matters; and as the Chief Justice's decisions have generally been satisfactory, we would prefer awaiting his return to Samoa than intrust such serious matters in other hands. Even if the President of the Council had the power to assume the higher duties it would be placing him in a false position. As Chairman of the Council he would have the absolute power of deciding in favour of the party in the Council which he supported by his vote, and the Consular rejections or amendments to the Municipal Council Resolutions rendered useless where they clashed with the previously recorded views of the President. However, the clause in the Treaty referred to is plain. The President of the Council can only assume the higher functions in the event of a vacancy occurring which would necessitate the appointment of a successor to M. Conrad Cedercrantz, and as the business to be transacted with the Governor of Fiji is apparently of a nature that requires the presence of the Chief Justice in Fiji, we are contented to await his return to Samoa.

There is one other matter in connection with the absence of the Chief Justice from Samoa which has been probably overlooked, on which there is a considerable diversity of opinion. Some persons maintain that if the Chief Justice leaves his post of duty for a foreign port without permission of the King or the three Treaty Powers, or at least without the consent of the Representatives of the Treaty Powers in Samoa, his office may be declared vacant, and in that case the President of the Council could perhaps assume the functions of the higher office. If such an interpretation could be sustained, the Chief Justice could not again resume his position, and a successor would have to be appointed by the Treaty Powers. We

presume the Chief Justice has well weighed this important question, and has made himself secure from such a contingency, but it is none the less our duty to refer to the subject.

*No. 124.—Consul Cusack-Smith to the Marquess of Salisbury.—
(Received October 16.)*

MY LORD,

Apia, Samoa, September 5, 1891.

I HAVE the honour to report that on the 28th day of August His Majesty King Malietoa, with the approval of the Chief Justice, as required by section 2 of Article IV of the Treaty of Berlin, appointed the Rev. Arthur Edward Claxton to be Natives' Advocate.

I have, &c.,

The Marquess of Salisbury.

T. B. CUSACK-SMITH.

*No. 125.—Consul Cusack-Smith to the Marquess of Salisbury.—
(Received October 16.)*

MY LORD,

Samoa, September 7, 1891.

I HAVE the honour to report that the Chief Justice of Samoa has refused to pay any taxes or duties, claiming exemption.

The Consuls have hitherto paid all taxes and duties in order to set a good example, and save raising what must be a vexed question.

But now that an official who, after the 1st October, is to draw his salary from these very taxes, has added to the many existing difficulties by his refusal to pay, the Consuls are placed in an unfair position. By international law they appear to be, in such a country as Samoa, exempt. If the Chief Justice refuses to pay, naturally the other Government officials will also be justified in refusing.

I shall be greatly obliged by instructions as to whether I am to claim exemption or not; and at the same time I would suggest that as it is unwise, in the financial condition of Samoa, to permit any exemptions from taxation, instructions should be issued to the Chief Justice requiring him to reconsider his refusal.

His absence from Samoa is causing serious inconvenience to British claimants before the Land Commission, as it is not possible to secure now any extension of time for the production of evidence.

I have, &c.,

The Marquess of Salisbury.

T. B. CUSACK-SMITH.

No. 126.—*Consul Cusack-Smith to the Marquess of Salisbury.*—
(Received October 16.)

MY LORD,

Samoa, September 8, 1891.

I HAVE the honour to report that, in the opinion of the Consuls, the system of a Consular Board supervising and amending the purely municipal work of the Municipal Council of Apia is not working beneficially.

If the Consuls under section 3 of Article V of the Treaty of Berlin are to approve or disapprove every Resolution passed by the Municipal Council before becoming law, it is manifest that the most trifling details of petty administration, having no international interest, have to be dealt with once a-week by the Consuls, whose time is already fully occupied.

Moreover, it is impossible to avoid friction between the Municipal Council and the Consular Board, because the former not unnaturally consider themselves subject to a galling interference whenever any amendments on purely municipal matters are suggested by the Consular Board.

At the present political crisis, it is important that the Consuls should not be called upon to put themselves in antagonism with their own nationals over matters which, I submit, need not be referred to the Consuls.

I would also point out that the supervision of the Consular Board is not really effective, because the Municipal Council are at liberty to refuse the amendments of the Consular Board. These amendments are thereupon referred to the Chief Justice, who has invariably decided without even asking for the reasons which induced the Consuls unanimously to consider the amendments necessary.

It also places the Consuls in the derogatory and unbecoming position of being apparently under the control of, and inferior to, the Chief Justice of a foreign Power.

I would therefore, with all submission, urge your Lordship to authorize me to join with my colleagues on the Consular Board in declaring that, for the future, they define the phrase "All Ordinances, Resolutions, and Regulations passed by this (Municipal) Council" (section 3, Article V) to mean only Ordinances, Resolutions, and Regulations dealing with offences that are intended to be punishable by fine or imprisonment.

This would remove a great deal of distasteful work from the shoulders of the Consuls, do away with a constant source of friction, please the white population, and still, to all intents and purposes, carry out the provisions of the Treaty.

On my proposal, my colleagues have agreed to make a similar request to their respective Governments.

I have, &c.,

The Marquess of Salisbury.

T. B. CUSACK-SMITH.

*No. 127.—Consul Cusack-Smith to the Marquess of Salisbury.—
(Received October 16.)*

MY LORD,

Samoa, September 10, 1891.

I HAVE the honour to inclose extracts from the "Samoa Times," which I think fairly represent public opinion with regard to Baron Senfft von Pilsach's conduct.

The choice of a large prison as the first proposed work of the Samoan Government is in itself singularly infelicitous, but when it is proposed to spend on it 7,500 dollars, which, as far as I can ascertain, is half the sum at present collected by the Government, the proposal is little short of madness.

Added to this, an advertisement has appeared calling for tenders for "Capitol buildings," which prove to be mainly a dwelling-house for Baron Senfft von Pilsach. The total cost of the "Capitol buildings" is placed between 10,000 and 15,000 dollars.

These two projects alone—both of them utterly unnecessary at present, and both unpopular with the Samoans—will drain the Treasury dry.

The only chance of getting any more taxes paid by the natives is to spend those already collected in ways which directly benefit the greatest number of the Samoans, and which command their approval.

It would also seem wise to spend the money as far as possible only on such objects as will open up the country, assist trade, and invite capitalists to come to Samoa.

Under section 5 of Article V of the Berlin Treaty the President of the Municipal Council is to render quarterly Financial Reports. His first Report has not yet appeared, and though the Municipal Council have repeatedly pressed for it, it is now nearly two months overdue.

I have, &c.,

The Marquess of Salisbury.

T. B. CUSACK-SMITH.

(Inclosure.)—Extract from the "Samoa Times" of August 29, 1891.

No. 130.—*Consul Cusack-Smith to the Marquess of Salisbury.*—
(Received October 21.)

(Telegraphic.)

Samoa, October 14, 1891.

PRESIDENT of Municipal Council resigned on the 5th October, owing to misunderstanding with German member of Council arranging to hand over funds to German Weber. Consular Body protest. President of Council refuses to hand over funds to Consular Body. Chief Justice absent in Australia : returns in November.

Despatches will reach home the 11th November.

No. 131.—*Foreign Office to Consul Cusack-Smith.*

SIR,

Foreign Office, October 23, 1891.

I AM directed by the Marquess of Salisbury to acknowledge the receipt of your despatch of the 8th ultimo, suggesting that the Consular Body at Apia should be relieved from the labour of revising any Municipal Regulations, &c., other than those dealing with offences punishable by fine or imprisonment.

This arrangement would entail an amendment of the provisions of section 3, Article V, of the Final Act of the Berlin Conference, which runs as follows:—

“All Ordinances, Resolutions, and Regulations passed by this (*i.e.*, the Municipal) Council before becoming law shall be referred to the Consular Representatives of the three Treaty Powers sitting conjointly as a Consular Board, who shall either approve and return such Regulations, or suggest such amendments as may be unanimously deemed necessary by them.”

I am to inform you, in reply, that, in the opinion of Lord Salisbury, it is desirable that the provisions in question should be subjected to the test of experience for a longer period before the question of amending them by another International Act can be entertained.

I am, &c.,

T. B. Cusack-Smith, Esq.

T. H. SANDERSON.

No. 133.—*Foreign Office to Consul Cusack-Smith.*

SIR,

Foreign Office, October 27, 1891.

LORD SALISBURY has had some conversation with the German Ambassador on the subject of the resignation of the President of the Municipal Council of Apia, which was reported in your telegram of the 14th instant, and of which news has also reached the German Government.

Count Hatzfeldt observed that, in the opinion of the German Government, it would be a misfortune if Baron Senfft's services were lost. They hoped he might reconsider his decision.

Lord Salisbury quite concurs in this view, and requests you to use your best endeavours to arrange any personal difficulties which may have arisen, and to induce Baron Senfft von Pilsach to withdraw his resignation.

I am, &c.,

T. B. Cusack-Smith, Esq.

P. CURRIE.

No. 134.—Foreign Office to Consul Cusack-Smith.

SIR,

Foreign Office, October 31, 1891.

IN my despatch of the 8th September last you were instructed to request the Chief Justice of Samoa to give a liberal interpretation to section 2, Article IV, of the Final Act, in order to provide for any expenditure that might be necessarily incurred by the Land Commissioners.

Her Majesty's Government still consider that the decision as to the necessity for such expenditure should rest with the Chief Justice, but I am directed by Lord Salisbury to inform you that, in cases where the Chief Justice finds a difficulty in sanctioning expenditure that is recognized by the Consuls of the three Powers to be absolutely necessary, you are authorized, in conjunction with your colleagues, to exercise your discretion as to whether any such items should be sanctioned. The unanimous consent of the three Consuls will, under such circumstances, be held sufficient to justify the disbursements.

I am, &c.,

T. B. Cusack-Smith, Esq.

P. CURRIE.

*No. 135.—Consul Cusack-Smith to the Marquess of Salisbury.—
(Received November 12.)*

MY LORD,

Samoa, October 14, 1891.

I HAVE the honour to report that the Consuls have been informed that a private letter has been received, by the steamer *Lubeck*, which arrived on the 11th, from the Chief Justice of Samoa, stating that he is in Australia, and will not return to Samoa for another month.

Meanwhile, a Swede here has seriously stabbed either a British or an American subject, who is not expected to recover. There is no jurisdiction to try the offender, and he was at large, boasting of his act, until yesterday, when, owing to the indignant remarks of certain residents, the Clerk of the Supreme Court consented to

have him arrested and remanded for a week; but the Clerk's powers are very limited, and probably he will not feel justified in detaining the offender in custody without trial for a whole month.

I have already been obliged to refer to the absence of the Chief Justice without leave and against the express wish of the King and Government in my despatches of the 15th August and 2nd September.

I shall be glad to have instructions whether I am to pay the British share of the salary of the Chief Justice for the month of September, during which he has been absent without leave from his duties.

I have, &c.,

The Marquess of Salisbury.

T. B. CUSACK-SMITH.

*No. 138.—Baron Senfft von Pilsach to the Marquess of Salisbury.—
(Received November 13.)*

MY LORD,

Apia, October 13, 1891.

I HAVE the honour to acquaint you that on the 5th October I have tendered my resignation to King Malietoa, by whom I have been appointed as President of the Municipal Council of Apia on the 6th May of this year. Since in this capacity I had been agreed upon by the three Powers signing the Berlin Treaty, I found myself obliged, when I took the aforesaid step, to ask the three respective Governments for their approval, and beg leave to submit herewith most respectfully such a request to your Lordship.

At the beginning of the month of August I had occasion to draw King Malietoa's attention to some bad consequences which would occur if the King allowed irresponsible persons to induce him to take official measures. I got the impression that the King understood my advice, and under that impression I have continued my work.

On the 3rd October I read in the local newspaper a correspondence between King Malietoa and a German member of the Municipal Council. By chance this was the same gentleman whose interference in Government affairs had already caused the aforesaid advice on my part. The correspondence consisted of a letter from him, dealing again with a matter concerning solely the Samoan Government, and of King Malietoa's answer. The answer was dated twelve days later than the letter, and concurred in the views of its writer. Before I read the correspondence I had no knowledge of it, although the letter addressed to the King interfered just in my official province, the financial administration, and although it contained personal attacks against my sense of duty.

It was the King himself who then, upon my request, confirmed that indeed the correspondence had taken place.

From this experience I could but arrive at three conclusions, which, at the same time, constituted as many reasons for my request of resignation :—

1. No hope of succeeding in my official duties is left to me, since I am convinced that King Malietoa does not comprehend the consequences of affording influence in official matters to irresponsible persons. These consequences must be the worse, the Berlin Treaty not having furnished the King's Adviser with any means to formally secure his co-operation, although such means would only be the equivalent of his responsibility. I hardly need to add that it could not be my task, especially in the first months of my service, to complete the Treaty with amendments in order to strengthen my position.

2. The same failure of success must arise for me out of the want of confidence the King has proved towards me in concealing the correspondence in question, notwithstanding several conferences he held with me during the respective time.

3. A full and undamaged authority is not less indispensable for fulfilling the task imposed on my office by the Berlin General Act than the King's confidence. The King himself having apparently damaged my authority, he cannot repair the same without getting into an humiliating position on his part, which certainly would raise more harm than there exists already.

In connection with these considerations, I cannot forbear observing that, according to my opinion, experiences like the above stated would have been avoided if, in consequence of the common interest the Treaty Powers have in supporting the authority of my office, I had found the common assistance of the Consular Representatives in one case in which I required their common assistance more than ever. In that case I exerted myself to prevent an unequal action of the Samoan Government in regard to the commercial interests of the three Treaty Powers, and I believed that I was not at liberty to perform this duty of my office with less energy only because Germany, the interests of which were going to be neglected, is my native country. Your Lordship will find the facts in question in the *Mémoire* I have the honour to inclose herewith.

I have declared to King Malietoa, as well as to the Consular Representatives of the Treaty Powers, that I feel obliged to perform my official duties, inasmuch as the Berlin General Act does not provide my representation therein, until I am allowed to lay down my position through a joint instruction of the three Powers.

I shall be most thankful if this can be done telegraphically.

I also most respectfully ask your Lordship to instruct me whether you wish me to call at the Foreign Office in returning to Germany. I have, &c.

FREIHERR SENFFT VON PILSACH.

The Marquess of Salisbury.

(Inclosure.)—Memorandum.

IN a meeting of the Municipal Council of Apia, held on the 3rd June, the question was discussed how the troublesome state of different coin circulating in Samoa could be altered.

The Berlin Treaty not having established a currency for Samoa, the coins of the three Treaty Powers, and besides the Chile silver, had been introduced, and the fluctuations of the silver value in the money market disturbed to a very disagreeable extent its fixation, and, consequently, the fixation of the prices of goods in this place.

The majority of the Council being inclined to regard that body as competent for making a definite settlement of this affair, I pointed out that a settlement applying to the Samoan Islands could only be made by the Samoan Government.

I added I had no doubt that, just in this question, the opinion of the Municipal Council in Apia, if communicated to the Government in the form of a request, would have a considerable weight for their decision, the Council consisting mainly of merchants, and, consequently, of men possessing a particular knowledge of the matter.

The result of the discussion was a Resolution saying that the Council requested the Samoan Government to adopt the following rate of exchange for the country :—

“One piece (5 dollars) United States' currency gold to be equal to one English sovereign, or to one 20-mark gold piece, and, for change, English silver to be taken only, and the Chile dollar as equal to 75 cents (smaller coins in proportion); and that after the 15th November next no Chile coin to be taken for taxes or duties by the Treasurer.”

This Resolution having been submitted to the Consular Board, I was informed, by their letter dated the 9th June, that the Consular Board suggest, as an amendment, “that the consideration of this Resolution be deferred.”

In their meeting of the 10th June the Municipal Council did not accept this amendment.

I then referred the same, together with the above Resolution, to the Chief Justice of Samoa.

By an accompanying letter, dated the 17th June, I informed him "that the Councillors were not unanimous in the question which kinds of money were admitted in the islands at present, but quite unanimously they regarded the concurrence of much different coins circulating here as a prejudicial one for the interests of the residents; therefore they would like to request the Government that one currency were fixed for the islands as soon as possible, and at the same time to make a proposal with a view to the settlement of this currency question."

On the 20th June the Chief Justice decided "that the Municipal Council are at liberty to submit the above-mentioned Resolution adopted by the Council to the Samoan Government by way of a Petition."

Only after having obtained this decision I considered myself in the position to deal with the matter in my capacity as Adviser to the Samoan Government.

By letter dated the 26th June I submitted the Resolution of the Municipal Council in the form of a Petition to the Samoan Government; but as no Government office existed at that time except my office, the latter remained at first in my archives, since, before advising King Malietoa in the matter, I desired to ascertain the views of the Chief Justice.

In private interviews I had with him, his Honour declared he was not convinced of the advantages of the arrangement requested by the Municipal Council; however, he did not intend to interfere in my action.

On the 24th July I laid the Petition of the Municipal Council of Apia before King Malietoa.

I advised the King to adopt the proposals made in the Petition, with the modification, however, that I recommended not to exclude the silver of the United States, and to authorize me to publish a corresponding notice in the newspaper.

I expressed my opinion that the lines to be observed by the Treasurer in his receipts and disbursements would consequently be observed also in commercial transactions; that, therefore, no law, but only an order given to me by the King, would be required, and that such an order could be changed, if necessary, after three or six months.

In reply to my speech, the King stated that he personally agreed to my proposal, but wanted the Faipule to be asked for their opinion. He said this would be only a formality, because the Faipule did not understand the question, and would not make any objection; but, on the other hand, if they would not be consulted,

troubles might arise afterwards. My answer was, generally, it would not be wise to submit matters to the Faipule in which they were not competent to give a decision; nevertheless, I did not see a sufficient reason for objecting to the King's wishes.

Interpreter in this interview was the Rev. Arthur E. Claxton, member of the London Missionary Society.

On the following day a meeting of the Faipule was held in the presence of King Malietoa and myself.

Having explained the matter, I urged the immediate approval of proposal. Some speakers answered, but wanted time for deliberation, saying they would let me know their decision within two days.

On the 27th July, in the evening, I received a letter from King Malietoa informing me that, with his assent, the Government resolved to admit after the 15th November only the gold and silver coin of Great Britain and Ireland, and of the United States of America.

I regarded this resolution not to be binding, because I had not yet advised the Samoan Government in regard to such an engagement, nor had I set forth its possible consequences, and I had no doubt that this was an occasion which, according to the spirit and provisions of the Berlin General Act, required my advice.

Therefore, in a meeting of the Municipal Council of Apia on the 28th July, being asked whether the currency question had been settled by the Government, I strictly denied that.

In this condition the matter remained some days.

On the 1st August I received another letter King Malietoa addressed to the Municipal Council of Apia, repeating more formally the communication of the 27th July.

In the next meeting of the Municipal Council, which was held on the 5th August, a German member of the Council, M. Grevsühl, declared that the King took this step on his verbal request.

On Monday, the 3rd August, I explained to King Malietoa again, in the presence of the Rev. A. E. Claxton, the reasons for my keeping secret both his letters. He then answered he comprehended that I was right in acting as I did, and he approved that in another meeting of the Faipule I should try to make them recall their decision.

Before that meeting a conference took place on the 4th August between the three Consular Representatives and myself, at my request. I acquainted them with the state of the matter, and declared that I was anxious to know their opinion, whether they, like I, understood the clause contained in the Berlin General Act under Article VI, section 4, as admitting all kinds of money in Samoa, unless an alteration would be made by the competent

authorities, so that, for instance, the coin of one of the Treaty Powers could not be excluded by the Samoan Government without the previous assent of the three Powers.

I understood that Her Britannic Majesty's Consul as well as the Imperial German Vice-Consul clearly expressed themselves in conformity with my interpretation of the Treaty, whilst I did not ascertain the views of the United States' Vice-Consul-General.

By the same opportunity Her Britannic Majesty's Consul also stated that the Municipal Council of Apia was by no means entitled to issue any decision in the currency question; but that this body ought to take part in its settlement only in giving their opinion like a Chamber of Commerce.

On the 5th August I made known to the Municipal Council in their meeting both letters I had received from King Malietoa, adding, at the same time, that the decision was not final; for since then the King had instructed me to deal with the matter in another meeting with the Faipule, which I was going to do in the afternoon.

In that meeting I made strong endeavours to convince the Faipule that under the Berlin Treaty the Samoan Government was not at liberty to exclude the German coin from the islands altogether without the assent of the Treaty Powers. Moreover, I said, it would be very unwise, especially in the present situation of the country, if the Samoan Government would begin to alter the Berlin Treaty from their part in neglecting, in regard to one of the Powers, the equality of rights guaranteed in the Treaty to all of them.

I acted so because I had not presumed for one moment that the decisions of the King and the Faipule, communicated to me on the 27th July, had arisen in the Samoan mind.

Finding myself suddenly placed in front of the uncontrollable influence of irresponsible persons advising the Government, I felt the more obliged to exert myself to overcome the same, and to prevent its consequences.

The Faipule then again expressed their wish to deliberate on the matter in my absence, and to let me know their decision afterwards.

I replied no new decision was required; I should be content if they would revoke the first one, as being inconsistent with the Berlin Treaty, and this they ought to do at once. Their repeated request for time for consideration I repeatedly declined to agree with, but, being unable to obtain a distinct answer, I finally left them, the King having stated that the meeting would be continued on the next day in my presence.

Before I returned on the following day I received a letter from

the King requesting me not to come, because the Government's members would consider the question privately, and acquaint me with the result in a meeting to be held on the 7th August.

In that meeting the King declared that the Government were unwilling to revoke their first decision.

On the following day I advised King Malietoa to communicate the Resolution of the Government to the Consular Representatives of the Treaty Powers. When I repeated that advice on the 11th August through the Chief Mamea (acting as interpreter), the King replied he had already informed the three Consuls on the same day.

On the 7th August the Imperial German Consul forwarded to me the German translation of a letter addressed by King Malietoa on the 6th August to each of the three Consuls, and also the copy of M. Schmidt's English answer dated the 14th August.

I learned from that correspondence that the King had asked the Consuls whether some declarations I had made in the meetings of the Faipule were true or not, and that the Imperial German Vice-Consul in his answer had ignored this question.

From the part of both the other Consular Representatives, I have not received any information about their respective correspondence with King Malietoa. Only the King himself did show me their letters, which also did not contain a reply to the King's question concerning my explanations.

Besides, these three letters furnished King Malietoa with three different judgments in regard to the Currency Resolution of the Government. The German Vice-Consul stated that "the three Consuls in a common meeting came to a conclusion that the decision of the Samoan Government is contrary to the Treaty made at Berlin."

Her Britannic Majesty's Consul stated he was "not at present prepared to object to" the same Resolution; and the United States' Vice-Consul-General declared "he saw no reason to complain, and had much pleasure in notifying the same Resolution to his Government."

In the next meeting of the Municipal Council of Apia, on the 12th August, I submitted to them the result of their Petition.

The Council then considered that the decision of the Government would not come into operation before the 15th November, and passed a Resolution saying only that the last fixation of the rate of exchange, made by the Consular Board, 1890, should be binding by the Municipal Treasurer; but no payments in silver exceeding the amount of 10 dollars were to be admitted hereafter.

As an amendment to this Resolution of the Council, the Consular Board suggested that English and German silver should be excluded from the Municipal Treasury.

On the 20th August the Municipal Council accepted that amendment, I only objecting to the same, because, as I said, I was not aware that there was any authority in Samoa entitled to alter the Berlin Treaty.

On the 27th August I received from the Imperial German Vice-Consul a communication informing me that the three Representatives, by common letter dated the 25th August, had acquainted King Malietoa with the Resolution of the Municipal Council accepting the aforesaid amendment of the Consular Board.

Whether they had taken this step on behalf of the Municipal Council, or in advising King Malietoa, I did not learn from the letter; but in both cases I found the Representatives transacting the business of my office.

However, I have laid down my own opinion in the following clause of the quarterly Report I have rendered to King Malietoa on the 8th September:—

“There existed, and exists, no doubt in my mind that, according to Article I and Article VI of the Berlin General Act, everybody in Samoa is allowed to pay his taxes with any coin which constitutes a part of the currency of a foreign country.

“This state of affairs could be altered, as far as I understood the aforesaid clauses in connection with Article VIII, section 1, of the Treaty, by consent of the three Powers concerning the coin of either of them, and by a Law to be passed by the Samoan Government concerning the coin of any other foreign country.”

Apia, October 13, 1891.

FREIHERR SENFFT VON PILSACH.

No. 140.—*The Marquess of Salisbury to Consul Cusack-Smith.*

(Telegraphic.)

Foreign Office, November 21, 1891.

IN reply to the inquiry contained in your despatch of the 7th September last, I have to instruct you to continue to pay taxes and other contributions to which you have hitherto been liable.

No. 141.—*Memorandum on the Currency Question in Samoa, and the Resignation of Baron Senfft von Pilsach.*—(Communicated by the German Embassy, November 28.)

(Translation.)

Foreign Office, Berlin, November 20, 1891.

DURING the time the three Representatives of the Treaty Powers were administering provisionally the customs and taxes in Apia, a Resolution of the Consular Court of last year fixed as follows the

relative values of coins receivable under Article VI, paragraph 4, of the Samoa Treaty, for the payment of customs duties and taxes, as compared with the denominations "*dollars*" and "*cents*" therein used, namely, 1*l.* = 4 dol. 86 c.; 20 marks = 4 dol. 76 c.; and 7 dollars Chilean currency = 5 dollars American currency.

On the 3rd June last the Municipal Council, on the motion of the President, resolved, in view of simplifying the accounts, to ask the Samoan Government to notify that the 1*l.* and the 20-mark piece should be taken to be of the same value as 5 dollars of the American currency, and to make English and Chilean silver coins alone receivable for the payment of customs duties and taxes, with the provision that Chilean silver coins should, on account of the considerable fluctuations in their value, be so receivable only up to the 15th November of this year.

The Consular Court, to which this Resolution was communicated for concurrence, was in favour of postponing a settlement of the matter. The Municipal Council, nevertheless, submitted the Resolution to the Chief Justice for decision, in accordance with the Samoa Treaty, and stated in the note submitting it that the members of the Council were not quite unanimous on the question itself, but agreed that it was not to the interest of the inhabitants that coins of different values should be receivable.

The Chief Justice was, at the same time, requested to prepare a measure in this sense, and to lay it before the King for sanction. Herr Cedercrantz rejected the request, but suggested that the Municipal Council should bring the Resolution before the Government in the form of a Petition. This was done on the 24th July, and Baron von Senfft advised the King to confirm the Resolution, adding the provision that American silver should also be receivable for the payment of customs duties and taxes. The King agreed, but wished, for form's sake, to submit the matter for the decision of the Faipule (Native Council), who, he had no doubt, would make no objection.

On the 27th July Baron Senfft received from the King the surprising information that the Faipule has passed a Resolution that, from the 15th November of this year, *English and American gold and silver coins* should alone be received into the Public Treasuries. Baron Senfft von Pilsach did not bring this Resolution of the Faipule to the knowledge of the Municipal Council, assuming that the Resolution in question was invalid because he, as Adviser to the King, had had no opportunity of explaining to the King the consequences it would have. At a meeting of the Municipal Council which took place the next day, the Chairman, in reply to a question put to him on the subject by a member, stated that no final settlement of the currency question had yet been arrived at. Acting on

the instigation of the German member of the Municipal Council, Herr Greysmühl, who was accounted an opponent of the Chairman, the King, with whom Herr Greysmühl had had private communication, sent to Baron von Senfft on the 1st August a formal *confirmation* of the Resolution adopted by the Government on the 27th July, which Herr von Pilsach again, and for the same motives as those given above, refrained from communicating to the Municipal Council. On the representations of Herr von Pilsach, who pointed out that, under Article VI of the Treaty, the Government was not justified in adopting such a Resolution without the sanction of the Treaty Powers, the King, Malietoa, declared himself ready to move the Faipule to cancel it. At a meeting of the Consular Court, Baron von Senfft gave an account of the circumstances of the case, and declared that, in view of the provisions of Article VI, paragraph 4, of the Samoa Treaty, the Resolution adopted by the Government, whereby German money was excluded, was invalid. The German and English Representatives concurred in this view, but Mr. Blacklock, the American Consul, expressed no opinion.

The Faipule did not cancel its Resolution, notwithstanding Herr von Senfft's endeavours to induce it to do so. Malietoa informed the three Consuls of this fact by identic notes, and inquired at the same time whether the conjecture of the Chairman of the Municipal Council, that the Resolution was opposed to the provisions of the Samoa Treaty, were correct. The three Consuls answered this note separately, and the German Consul alone stated that the Resolution which the Government had adopted was contrary to the provisions of the Samoa Treaty. The English Consul's answer avoided the point "*that he was not at present prepared to object to the same Resolution,*" and the American Consul accepted the Resolution, "*. . . . no reason to complain.*" On the 12th August the Municipal Council resolved that the rates mentioned at the commencement of the present paper, which had been established by the three Consuls in 1890, should again be put in force for payments into the Municipal Treasury, but that no higher payment than 10 dollars might be made in silver. The Consular Court altered this Resolution in the sense that German and English silver should not be received at all, but that American and Chilean silver should be received to an unlimited extent. The Municipal Council declared against Baron von Senfft's note, that they were agreeable to this arrangement, and in a joint note of the 25th August the three Consuls informed the King of this Resolution. Baron von Senfft considered this direct communication on the part of the Consuls as an encroachment on his rights, and on the 5th ultimo he placed in the King's hands his resignation of his post of Chairman of the Municipal Council, adding that he would continue to

discharge his functions until measures had been taken otherwise to provide for them.

Such renunciation of his post by himself alone remains inoperative so long as the authorities who appointed Baron von Senfft to the Chairmanship of the Municipal Council do not accept it. He was appointed, under an understanding with the Treaty Powers, by the Imperial Chancellor, and the Imperial Chancellor thinks it desirable that, in the interests of peace and good order in the Samoan Islands, Baron von Senfft should remain at his post.

In support of his resignation, Baron von Senfft alleges that he cannot hope to do useful work at Apia now that he no longer possesses the confidence of the King, who has publicly passed him over and followed the advice of irresponsible persons. He is convinced that this would not have happened had he found in the Representatives of the three Treaty Powers the support he was entitled to expect.

In opposing the Resolution adopted by the Samoan Government, whereby German currency was excluded from being used to pay customs duties and taxes, Baron von Senfft relied solely on the Samoa Treaty (Article VI, section 4). The Imperial Government claims no manner of advantage in Samoa over the two other Treaty Powers, but they must decidedly oppose any such diminution of the rights secured to them by Treaty as would be involved in the exclusion of German currency. The Imperial Government is convinced that the loyal observance of the provisions of the Samoa Treaty by the Representatives of the Treaty Powers will be successful in restoring peace and good order in Samoa. But in order to attain this end, it is before all things necessary that the Representatives in question should not work one against another, but that they should, on the contrary, work together in the interests of peace, and should therefore support Baron von Senfft.

The latter's conception of his position must be modified in two directions. On the one hand, he is in error in denying to the Consular Court, when unanimous, the right of access to Malietoa. On the other hand, Baron von Pilsach must not judge of his position with Malietoa by that of a Minister with an European King, and resign when he thinks that influence other than his own is prevailing. The Chairman of the Municipal Council must not forget that he owes his appointment to the Treaty Powers.

No. 142.—The Marquess of Salisbury to Sir E. Malet.

SIR,

Foreign Office, November 28, 1891.

COUNT METTERNICH left here to-day a Memorandum relative to the resignation of Baron Senfft von Pilsach. The German Government consider that the President of the Samoan Municipal Council has no right to resign his post without the permission of the three Powers, and that he should not be allowed to do so. They complain that the British Consul has opposed him, and that the decision to exclude German currency from the island is contrary to the Treaty, and they propose that the three Consuls should be instructed to procure a reversal of the decision on that point. They consider that this would dispose of the question of Baron Senfft's retirement.

It was pointed out to Count Metternich that British currency was also excluded, and that Her Majesty's Government had no reason to think that the British Consul had separated himself from his German colleague, or had acted in any way in opposition to German interests. The question of the currency appeared to have been settled simply on grounds of public convenience.

The whole correspondence had, however, been sent to your Excellency with instructions to ascertain Baron Marschall's views on Consul Cusack-Smith's Reports, and pending their receipt the currency question would receive attention.

I am, &c.,

Sir E. Malet.

SALISBURY.

No. 144.—The Marquess of Salisbury to Consul Cusack-Smith.

(Telegraphic.)

Foreign Office, December 5, 1891.

YOU should unite with the German Consul in urging the Samoan Government to take measures in accordance with the request of the Municipal Council of the 3rd June and of the 24th July last respecting the currency question.

Her Majesty's Minister at Washington will be instructed to urge the United States' Government to issue similar directions to the American Consul.

No. 145.—The Marquess of Salisbury to Consul Cusack-Smith.

(Telegraphic.)

Foreign Office, December 5, 1891

YOUR despatches respecting the resignation of Baron Senfft von Pilsach have been received.

The Treaty Powers have declined to accept his resignation, and the incident must be considered as closed.

Convey to the Chief Justice and to the President of the Municipal Council an expression of the hope of Her Majesty's Government that the three Consuls and the European officials will all cordially co-operate in the interests of peace and good order, and the successful carrying out of the Samoan Act.

No. 147.—The Marquess of Salisbury to Sir J. Pouncefote.

SIR, *Foreign Office, December 8, 1891.*

I TRANSMIT to you herewith copy of an instruction which I have caused to be addressed to Her Majesty's Consul at Apia relative to the currency question,* together with duplicate copies of previous correspondence on the subject, as marked in the margin.†

You will observe that Mr. Consul Cusack-Smith has been directed to act with his German colleague in urging the Samoan Government to adopt the arrangements proposed by the Municipal Council of Apia on the 3rd June and 24th July last.

I have to request that you will communicate the accompanying correspondence to the United States' Government, and urge them, if they see no objection, to issue instructions to their Consular Representative at Apia similar to those which have been sent to Her Majesty's Consul.

I am, &c.,

Sir J. Pouncefote.

SALISBURY.

No. 148.—Foreign Office to Consul Cusack-Smith.

SIR, *Foreign Office, December 8, 1891.*

LORD SALISBURY has received and considered your despatches of the 14th and 15th October last respecting the currency question in Samoa and Baron Senfft von Pilsach's resignation, and has been in consultation with the German Government upon the subject.

The main point at issue in this matter appeared to be the interpretation of section 4, Article VI, of the Samoan Final Act, which runs as follows:—

“It is understood that ‘dollars’ and ‘cents,’ terms of money used in this Act, describe the standard money of the United States of America, or its equivalent in other currencies.”

Baron Senfft von Pilsach contends that, reading this in con-

* No. 148.

† Nos. 119, 122, 138, 141, 144, 145, and 149.

junction with Article I of the Final Act, which guarantees "to the citizens and subjects of the three Signatory Powers equal rights of residence, trade, and personal protection," he was justified in resisting the decision come to by the Samoan Government on the 27th July last, by which German coin was excluded from reception at the Public Treasury in payment of dues and taxes. Such a decision, the President maintains, was invalid by reason of the fact that the actual state of affairs in regard to the currency cannot be altered without the previous consent of the Treaty Powers.

The attitude thus assumed by Baron Senfft is indorsed by the German Government, who have informed Her Majesty's Government that they are decidedly opposed to any such diminution of the rights secured to them by Treaty as would be involved in the exclusion of German currency from the Samoan Islands. There are, technically, cogent grounds for the view taken by the German Government.

I am, under these circumstances, to instruct you to act with your German colleague in urging the Samoan Government to adopt the suggestions for the settlement of the currency question which were made by the Municipal Council of Apia on the 3rd June and 24th July last, and to take the necessary measures for giving effect to them.

I am to add that Her Majesty's Minister at Washington will be requested to invite the United States' Government to instruct their Consular Representative at Samoa in a sense similar to that of this despatch.

Copies of communications received from Baron Senfft von Pilsach and the German Government upon this subject are annexed for your confidential information.*

I am, &c.,

T. B. Cusack-Smith, Esq.

P. CURRIE.

No. 149.—The Marquess of Salisbury to Baron Senfft von Pilsach.

SIR,

Foreign Office, December 8, 1891.

HER Majesty's Government have had before them your letter of the 13th October, in which you relate the circumstances connected with the currency question in Samoa which have induced you to tender your resignation of the post of President of the Municipal Council.

Instructions have been addressed to Mr. Consul Cusack-Smith which it is hoped will meet the necessities of the case, and you will

doubtless have learnt from the German Government that the Powers are not prepared to accept your resignation.

I am, &c.,

Baron von Pilsach.

SALISBURY.

*No. 155.—Consul Cusack-Smith to the Marquess of Salisbury.—
(Received January 7, 1892.)*

(Extract.)

Samoa, December 9, 1891.

I REGRET to report that both the white officials of the Samoan Government are, as your Lordship will see from the letters I have the honour to inclose, urging King Malietoa to commence military operations against Mataafa.

I received on the 5th December a letter (copy inclosed) in English, written by the Adviser to the King, but signed by King Malietoa, who does not understand a word of English.

As from His Majesty's subsequent communication to the American Consul it would appear that the King did not understand the contents of the letter referred to, it would have no importance were it not that a similar letter will probably be sent to your Lordship.

His Majesty's letter incloses one, dated the 3rd December, from the Chief Justice (copy inclosed), stating that having on the 24th November sent down to Malié, the head-quarters of Mataafa and his following, to arrest some natives charged with stealing a pig or pigs belonging to a German residing at Malié, the officer of the Court was not permitted to effect the arrests.

Two of the accused subsequently came up to Malié and were discharged, and I understand that Mataafa, or Mr. Moors, an American, who is adviser to Mataafa in all things, offered to send up the remainder of the accused.

Every one knew that no warrant, probably not even a warrant from the Consular Courts, could be executed in Malié, but in most other places no obstruction would occur.

In view of the grave risk to the life and property of the white residents in Samoa which unsuccessful military operations on the part of the Samoan Government would entail, and the importance of avoiding civil war, I have written to caution His Majesty against hasty action (copy inclosed).

I have the honour to report that on the 7th December the American Vice-Consul informed me that the King had sent to him the previous night to say that the Chief Justice had determined to send down sixty armed men to Malié to effect the arrests. The King at once informed the Chief Justice that to send down such a

force without having collected powerful reinforcements and reserves was to court disaster and imperil the safety of Apia and the white residents.

Matters are drifting from bad to worse here.

I will do my best to keep things quiet and restrain hasty action. Men-of-war do no good whatever here, unless war breaks out, when a British war-ship may be necessary to assist in protecting British subjects.

The Marquess of Salisbury.

T. B. CUSACK-SMITH.

(Inclosure 1.)—*King Malietoa to Consul Cusack-Smith.*

SIR,

Mulinuu, December 5, 1891.

I HAVE the honour to communicate to you herewith copy of a letter I received on the 3rd instant from the Chief Justice of Samoa, and also copy of its inclosure, viz., Report* rendered by Mr. F. Marquardt to the Chief Justice.†

As you will see from these inclosures, the rebellion of Mataafa, which hitherto could be regarded as a mere Samoan affair, begins to obstruct also the execution of the international part of the Berlin Treaty.

Adherents of Mataafa surrounding him at Malié have prevented an acting officer of the Supreme Court from carrying out his orders, and thus have hindered the Court in affording protection to the property of a German subject. In doing so they have referred to the authority of Mataafa, calling him "the King."

My Government would be willing to comply at once with the application of the Chief Justice for the assistance of a military force in order to support the officer of the Court in the performance of his duties, but as such a force ought to be strong enough to overcome any possible resistance from the part of Mataafa's followers, the judicial act of enforcing warrants of arrest would adopt the very appearance of a military expedition, and, consequently, might turn in the outbreak of war.

The President of the Municipal Council of Apia has informed me that he is not furnished with such joint instruction of the three Treaty Powers as would be requisite to meet an emergency of this nature.

Having heard his advice, I will endeavour once more to obtain military assistance from the three Treaty Powers, and I am prepared to forward a corresponding request to them by the next mail.

* Not printed.

† Mr. Marquardt acted on this occasion as officer of the Supreme Court.—
T. B. C.-S.

However, such step will not be required, and the existing difficulty may be settled much quicker, in case that the instructions of the Consular Representatives of the Treaty Powers and those of the Commanders of the war-ships being in the Apia Harbour allow them to use their military force in supporting the action of the Supreme Court, which, as I have stated already, has been requested by a German subject on account of his property having been damaged.

Therefore, I shall be obliged to you if you will kindly acquaint your colleagues with my present communication as early as possible, and, having deliberated with them on the matter, notify to me your common conclusion.

I am, &c.,

T. B. Cusack-Smith, Esq.

MALIETOA, King of Samoa.

(Inclosure 2.)—*M. Cedercrantz to King Malietoa.*

YOUR MAJESTY,

Mulinu, December 3, 1891.

I HAVE the honour, &c.

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[Here follows a lengthy description of what occurred at Malié.]

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The authority of a civil officer of the Supreme Court thus being defied and paralyzed, I am obliged to apply hereby to your Majesty's Government for the assistance of a military force sufficient to enable the officer of the Court to enforce and execute the warrant of arrest issued in the Supreme Court on the 24th November last.

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Considering, however, that a military expedition to Malié may possibly meet with forcible resistance from the part of Mataafa's followers; considering, further, the present state of affairs in the country, the natural weakness of a new-established Government, the considerable power of the crowds gathering at Malié, the possibility of a civil war, with all the formidable consequences of such a war, the result of which even might be doubtful, I do not at present request immediate compliance with my application, but submit to your Majesty to take into immediate consideration what steps should be taken by reason of same application.

As a matter of course, your Majesty will request the advice of the President of the Municipal Council of Apia, who may be possessed of such joint instruction of the three Treaty Powers as would be requisite to meet an emergency of this nature.

Surely the matter is most serious, and of the utmost importance.

Orders of the Supreme Court cannot be suffered to be disobeyed

and successfully resisted, or the very existence of the arrangement provided for by the Berlin General Act will be imperilled. Military force must be resorted to as an ultimate resource if it becomes necessary, but the result of a military action must not be uncertain, and the success must be insured beforehand, if possible.

Whether or not your Majesty's Government are strong enough to enforce the matter by their own means is not within my power to judge.

If, however, your Majesty, having requested the President's advice, considers the result of a military expedition to Malié to be doubtful, I venture to suggest that your Majesty would be pleased to take into consideration, with the advice of the President, whether it would not be better to endeavour to obtain military assistance from the three Treaty Powers, either by immediate communication with the Consular Representatives at Apia, if their instructions, as well as the instructions for the Commanders of the men-of-war, afford effective means, or by representation to the respective Governments of the Treaty Powers [*sic*].

In the case your Majesty should determine to apply directly to the Governments in London, Berlin, and Washington, and your Majesty should think fit to request my opinion about such application to be forwarded by the same mail, I shall be glad to have an opportunity of expressing such opinion.

At all events I am anxious to learn as soon as possible your Majesty's decision concerning this communication.

A copy of this letter will be forwarded by me to the President of the Municipal Council of Apia.

I have, &c.,

King Malietoa.

C. CEDERCRAINTZ.

(Inclosure 3.)—Consul Cusack-Smith to King Malietoa.

(Translation.)

(Very Confidential.)

YOUR MAJESTY,

Samoa, December 9, 1891.

I HAVE the honour to acknowledge the receipt of your Majesty's letter dated the 5th December, but I have not been able to consult with the Consular Representatives of Germany and the United States, owing to their not having yet received similar communications from your Majesty.

Under the instructions which I have received from my Government it is my duty to warn your Majesty that any hasty and insufficiently considered action at the present moment will probably render the civil war inevitable which has hitherto been happily

avoided, and I must also advise your Majesty not to rely upon the active interference of the war-ships of the Treaty Powers.

Any unsuccessful military operations on the part of your Majesty's Government may endanger the lives and property of the white residents in Samoa, and the responsibility will rest with your Majesty and your Government.

I have, &c.,

King Malietoa.

T. B. CUSACK-SMITH.

No. 157.—The Marquess of Salisbury to Consul Cusack-Smith.

SIR, *Foreign Office, January 8, 1892.*

I APPROVE the letter to King Malietoa, of which copy is inclosed in your despatch of the 9th ultimo, urging His Majesty to avoid any hasty action which in the present condition of affairs in Samoa may tend to provoke civil war.

I am, &c.,

T. B. Cusack-Smith, Esq.

SALISBURY.

No. 158.—King Malietoa to the Marquess of Salisbury.—(Received January 9, 1892.)

MY LORD, *Apia, December 9, 1891.*

I TAKE the liberty to inclose you herewith copy of a letter of the Chief Justice of Samoa,* dated the 3rd instant, copy of its inclosure, and copy of a letter I have written to Her Britannic Majesty's Consul on the 5th instant.

All these papers concern the question: how to execute some warrants of arrest issued by the Supreme Court against residents of Malie, being adherents of the rebellious Chief Mataafa.

I suppose you will find the matter to be of importance with respect to the development of my country on the foundation of the Treaty made in Berlin in 1889. If the Chief Mataafa and his followers cannot be prevented from defying and obstructing the proceedings of the Supreme Court, the whole result of the Berlin Conference seems to be endangered.

I beg to refer to the letter I have written to Mr. Cusack-Smith, and to state that up to this date I have not received an answer.

Most likely the warrants of the Supreme Court can be executed without a serious danger if the execution is supported through some demonstration or action from the part of the war-ships being at present in the Apia Harbour.

I shall be obliged if the Governments of the three Treaty Powers

* Inclosure in No. 155.

will agree upon such assistance to be afforded by the men-of-war, and if they will send corresponding instructions to their respective Consuls or a joint instruction to the President of the Municipal Council of Apia.

I am, &c.,

The Marquess of Salisbury.

MALIETOA, *King of Samoa.*

*No. 159.—The Marquess of Salisbury to Sir E. Malet.**

SIR,

Foreign Office, January 13, 1892.

I TRANSMIT to your Excellency herewith copy of a communication which I have received from King Malietoa,† requesting the assistance of the foreign men-of-war at Samoa with a view to enable the Supreme Court of Samoa to execute its warrants.

It is understood that a similar application has been addressed to the German and United States' Governments, and I have to request that you will ascertain what view the German Government take of King Malietoa's appeal, and the nature of the instructions which they propose to send to their Consul at Apia and the Municipal President.

I am, &c.,

Sir E. Malet.

SALISBURY.

No. 160.—The Marquess of Salisbury to Count Hatzfeldt.

M. L'AMBASSADEUR,

Foreign Office, January 22, 1892.

FROM a verbal communication made by your Excellency's directions at this Office on the 16th instant, I understand that the German Government have received reports from their Consul at Apia which lead them to believe that the procedure followed by the Land Commissioners appointed under the Samoan Act is more complicated than was contemplated by that Act, and that, consequently, it may take many years before all the claims which have to be adjudicated upon can be decided.

Your Excellency's Government are, therefore, anxious that the Land Commissioners should be instructed to proceed with greater energy and celerity, and that the Consuls of the three Treaty Powers should also be directed to exert their influence in the same direction.

In reply, I have the honour to state that, according to the latest report received by Her Majesty's Government, the new United States' Land Commissioner was not expected to arrive before the 26th or 27th of last month.

* Also to Sir J. Pouncefote.

† No. 158.

The German Commissioner was stated to be so ill that he was unfit for work.

Under these circumstances, the British Commissioner, Mr. Haggard, had left for Sydney on the 8th December, but would be back in Samoa on the 3rd January, when it is to be hoped that the work of the Commission will be immediately resumed.

As regards the possible duration of the Commission, I have to observe that by section 3 of Article IV of the Samoan Final Act it is stipulated that "the labours of the Commission shall be closed in two years, and sooner if practicable."

Nevertheless, Her Majesty's Government are prepared to instruct their Commissioner and Consul to expedite the proceedings as far as may be possible.

Before doing so, however, they would like to see the precise terms of the instructions which the German Government propose to send to their Representatives at Apia, and they hope that the German Government will also secure the co-operation of the Government of the United States.

I have, &c.,

Count Hatzfeldt.

SALISBURY.

No. 161.—The Marquess of Salisbury to Consul Cusack-Smith.

(Telegraphic.)

Foreign Office, January 26, 1892.

WITH reference to your despatch of the 14th October, the Powers are not prepared to adopt the course of making a deduction from the salary of the Chief Justice.

You should address a joint note to him, in concert with your colleagues, requesting, on behalf of the three Governments, that he will furnish an explanation of his reasons for absenting himself from Samoa against the express wish of the King and of the Consular Body.

No. 162.—Mr. B. Haggard to the Marquess of Salisbury.—(Received February 5.)

(Extract.)

Apia, Samoa, January 6, 1892.

I HAVE the honour to inform you that the United States' Land Commissioner, the Honourable E. J. Ormsbee, has arrived. The Commission resumed its sittings on Monday, the 4th January. I greatly regret to say that M. Eggert, our German colleague, is very ill indeed.

The Marquess of Salisbury.

BAZETT M. HAGGARD.

No. 166.—Count Hatzfeldt to the Marquess of Salisbury.—(Received February 17.)

(Translation.)

MY LORD,

German Embassy, London, February 16, 1892.

UNDER instructions which I have received, I have the honour to inform your Excellency, with reference to your note of the 22nd ultimo, that it has become necessary to relieve Herr Eggert, the German member of the Samoa Land Commission, who is very ill.

In order not to delay the work of the Land Commission, the Imperial Government has authorized the Acting German Consul at Apia, by telegraph, to select a suitable person from among the Germans to be found there, and to charge the person so chosen provisionally with the duties of Land Commissioner until the arrival of the regular Commissioner, who will be appointed at once.

As I have repeatedly represented to your Excellency, the latest reports received by the Imperial Government from Apia leave room for no doubt that the labours of the Land Commission there are proceeding very slowly. Of the 3,705 land claims put in, 72 only have been dealt with. Unless the Governments of the Treaty Powers can hasten the dispatch of the business, a final settlement of the 3,633 remaining claims within the period fixed, namely, two years, is all the less likely as the claims made to land by foreigners, among which the reasonable amount of the claims made by Germans compare advantageously with the large amounts claimed by the English and Americans, cannot but produce cases of considerable difficulty. The relative amounts of land claimed are about as follows :—

					Acres.
The claims of Englishmen are about..	..	..	..	..	950,000
The claims of Americans are about ..	..	..	..	..	650,000
The claims of Germans are about ..	..	..	..	..	100,000
Total					<hr/> 1,700,000

As the area of the whole Samoan group is only about 700,000 acres, the claims sent in exceed the total area by some million acres, a fact which shows how little tenable the greater part of the claims must be.

The Imperial Government would be obliged if the British Government would also send instructions to Apia in view of the labours of the Land Commission being actively pushed forward.

I have, &c.,

The Marquess of Salisbury.

HATZFELDT.

No. 169.—The Marquess of Salisbury to Count Hatzfeldt.

M. L'AMBASSADEUR,

Foreign Office, February 23, 1892.

WITH reference to your Excellency's note of the 16th instant, I have the honour to acquaint you that the British Land Commissioner in Samoa has been instructed to avoid all unnecessary delay, so that the labours of the Land Commission may be closed within the time specified by the Samoan Final Act. Her Majesty's Consul has also been directed to exert his influence in this sense.

I have, &c.,

Count Hatzfeldt.

SALISBURY.

No. 170.—Sir J. Pauncefoot to the Marquess of Salisbury.—(Received February 25.)

(Telegraphic.)

Washington, February 24, 1892.

I HAVE received a reply to the note which, in accordance with the instructions contained in your Lordship's despatch of the 13th ultimo, I addressed to Mr. Blaine on the subject of the measures to be taken to insure the delivery of the warrants of the Supreme Court.

The United States' Government recommend that the action of the vessels of war be limited to giving their aid in the execution of the warrants of the Supreme Court, such action to be taken only at the request of the three Consuls in each particular case.

No. 172.—Consul Cusack-Smith to the Marquess of Salisbury.—(Received March 5.)

MY LORD,

Samoa, February 2, 1892.

I HAVE the honour to report that on the 14th January Baron Senfft von Pilsach resumed his duties as President of the Municipal Council. His relations with some of the Municipal Councillors are still strained, but in all other directions we have been successful in greatly improving the situation, and all friction has disappeared.

The German Vice-Consul, M. Schmidt, left Samoa yesterday; M. Biermann, the new German Consul, having arrived.

Very erroneous reports of hostilities in Samoa having reached the British Admiral at Sydney, he wrote to me asking if it was necessary to send a British man-of-war to Samoa, which he was anxious not to do in the hurricane months.

I have replied that it is not necessary so far as any danger to white residents is concerned.

I have, &c.,

The Marquess of Salisbury.

T. B. CUSACK-SMITH.

No. 175.—*The Marquess of Salisbury to Consul Cusack-Smith.*

SIR,

Foreign Office, March 8, 1892.

I HAVE received your despatch of the 2nd February reporting that Baron Senfft von Pilsach had resumed his duties as President of the Municipal Council; and I have to express my satisfaction that the efforts of the Consuls have resulted in an improvement of the situation.

I am, &c.,

T. B. Cusack-Smith, Esq.

SALISBURY.

No. 177.—*M. Cedererantz to the Marquess of Salisbury.*—(Received April 2.)

MY LORD,

Mulinuu, Samoa, February 29, 1892.

I HAVE the honour to bring to your Lordship's notice the following circumstances:—

Some time ago I found reason to apprehend that the Commission which under Article IV of the Berlin General Act has been appointed for the purpose of investigating the claims of foreigners to land in Samoa in the performance of its duties was guided by principles contrary to the General Act. At an interview held with the Land Commission at my request, I discovered that my apprehensions were well founded. The Commissioners unanimously maintained that the Commission, if unanimous, has power and authority for making final decisions on disputed claims, and informed me that in the exercise of their duties they had acted in accordance therewith. I declared to them that I claimed this power and authority for the Supreme Court, that the Commissioners only had to investigate all claims, disputed or undisputed, to endeavour to effect a just and equitable compromise between litigants, and to report to the Court whether the alleged titles should be recognized and registered, or rejected, and that clause 2, section 6, Article IV, which they quoted in support of their opinion, simply contained a provision that the Court, when it is about to make its final decision, shall confirm such claims as are undisputed, and which the Commissioners, after due investigation, by their provisional decisions in their reports to the Supreme Court unanimously recommend to be recognized and registered. The Commissioners, however, declared that they did not intend to conform to my opinion. In order to prevent any misunderstanding, I sent to the Commission some days afterwards a letter, a copy of which I inclose (Inclosure No. 1), in which I once more laid down my opinion, and again requested the Commission to act accordingly. I inclose a copy of the Commissioners' reply

(Inclosure No. 2), dated the 19th February, from which your Lordship will ascertain that the Commission continued to decline to comply with my request.

As my repeated attempts to arrange this matter have been frustrated by the Commissioners' refusal, I have considered it my duty to refer the matter to the three Treaty Powers.

By the standpoint occupied by the Commission as aforesaid, the Commission has constituted itself a Court in land questions, where, according to all probability, by far the largest number of the now presented claims to land would be finally settled.

It is obvious that the Commission thereby is acting in contravention of the Berlin General Act. This is manifest from the wording of Articles III and IV of the Treaty, from the principles which a diligent perusal of the Protocols of the Conferences at Washington and Berlin show to have been guiding for the latter Conference, as well as from your Lordship's declarations in the letter to the British Plenipotentiaries of the 15th May, 1889, and from the communication of the British Plenipotentiaries to your Lordship of the 31st May, 1889.* Moreover, the Samoan Government having had nothing to do with the appointment of the Commissioners, the course taken by the Commission violates the great principle of justice, that disputes concerning real property should be decided by the Courts of the country in which the object of the dispute is situated, and by creating two Tribunals it destroys the great basis of safety as to land titles—the uniformity of decision, the more important to establish in Samoa, where a new system in this respect has to be founded.

I further most respectfully submit that the Land Commission has also acted contrary to the Berlin General Act by their refusal to comply with the request contained in my communication relating to the just understanding of their duties. Section 4, Article III, of the General Act confers upon me, as Judge of the Supreme Court, jurisdiction over all questions arising under the provisions of the Act. And so far as my relation to the Land Commission especially is concerned, it seems to me as a matter of course that, in order to obtain a beneficial result of a work like this in question, to be commenced in the Commission and finished in the Court, the latter must be entitled to give such directions in regard to the working as may be requisite.

The Commission, on the other hand, claims to be entirely independent of the Court. It is apparent that the conduct of the Commission in this matter towards me, as Judge of the Supreme Court, has tended to considerably damage the authority of the Court.

* Vol. LXXXII, page 617.

It is important already at the present stage that it be fully clear that the Land Commission is an investigating Commission, and not a Court. The mode of procedure to be observed by the Commission in the performance of the duties imposed upon the same by the Berlin General Act must naturally be another than that of a Court, or a great portion of the time allowed to the Land Commission by the Treaty will be wasted without corresponding benefit. In order to derive the highest benefit from the labours of the Commission, and to render the same as useful as has been intended by the Treaty, it is necessary that its whole mode of procedure be changed as soon as possible. Furthermore, the position occupied by the Commission can lead to economic as well as political dangers. Persons whose disputed claims to land the Commission have unanimously approved believe that their right is finally settled, and are at once ready to erect buildings and otherwise invest money in land, the ownership of which may be afterwards, by the decision of the Court, granted to another. Concerning the eventual political consequences, I beg most respectfully to refer to a letter (Inclosure No. 3) from King Malietoa. In order to prevent injurious results in both the above respects, on account of the Commissioners' line of action, I have deemed it my duty to issue the two Proclamations inclosed (Inclosures Nos. 4 and 5).

I have deemed it more necessary to interpose in the manner I have as not a single Report has yet been sent to the Supreme Court from the Commission, and, therefore, I have had no opportunity as yet in dealing with any land case in the Court to dispel the error which prevails within the Commission as well as amongst the public.

By reason of what I have the honour to relate, I most respectfully submit that Her Majesty's Government be pleased to direct the British member of the Commission to comply with the request contained in my communication to the Commission concerning the nature of their duties according to the Berlin General Act, as well as to instruct him to follow such directions as I may hereafter find requisite to communicate to the Commission regarding their mode of procedure.

I have the honour to add that I forward like letters to their Excellencies the Reichs-Chancellor Count von Caprivi, and the Secretary of State Mr. Blaine.

I have, &c.,

C. CEDERCRANTZ,

The Marquess of Salisbury.

Chief Justice of Samoa.

(Inclosure 1.)—*M. Cedercrantz to the Samoan Land Commission.*

GENTLEMEN,

Mulinuu, February 18, 1892.

WITH reference to our conversation on Monday, the 15th instant, upon the interpretation of Article IV of the Berlin General Act, and more especially of section 6 of the said Article, during which conversation you stated that it had been, and was, the unanimous opinion of the Land Commissioners that the Commission possesses power and authority, if unanimous, to make final decisions on disputed claims, whereas the principles laid down by me purposed to convince you that the second clause of the above-mentioned section, under which you claimed the said power and authority, simply is a provision that the Court, when it is going to make its final decision, shall confirm such claims as are undisputed, and which the Commissioners, after due investigation, by their provisional decisions in their Reports to the Supreme Court, unanimously recommend to be recognized and registered, I wish to ask you, do you decline to conform to my opinion, and adapt yourselves to this opinion, by making such alterations in your present mode of procedure as may be requisite?

I beg to request an immediate answer hereto in writing, and remain, &c.,

C. CEDERCRANTZ.

(Inclosure 2.)—*The Samoan Land Commission to M. Cedercrantz.*

SIR,

Apia, February 19, 1892.

WE have the honour to acknowledge the receipt of your favour of the 18th instant, in which you ask the question, "Do you decline to conform to my opinion, and adapt yourself to this opinion, by making such alterations in your present mode of procedure as may be requisite?"

In answer to this inquiry, we respectfully say that we do decline.

Further, we desire to say that our present interpretation of Article IV of the Berlin General Act is the same as expressed to you on the 15th instant.

This we feel sure cannot be a surprise to you, as it is hardly possible that you would expect that, in the performance of our official and sworn duty, we would adopt the views of another, if those views were in conflict with our own.

In consideration of the present situation, and of the radical difference of opinion between us, we shall, at the first opportunity, acquaint our respective Governments as to the matter, and ask

what, if any, directions or instructions they have to give in the premises.

We remain, &c.,

(L.S.) E. J. ORMSBEE.

BAZETT M. HAGGARD.

C. EGGERT.

(Inclosure 3.)—*King Malietoa to M. Cedercrantz.*

(Translation.)

YOUR HONOUR,

Mulinuu, Samoa, February 20, 1892.

I BEG respectfully to acquaint you that I have just learned a new thing which greatly surprises me.

I put my hand to the Treaty with the three Powers, and with the Samoan Government assented to it on the 19th April, 1890, for it was translated into Samoan, and, after discussing it, we understood generally what was in it. It was said in the Treaty that there shall be a Supreme Court which shall judge all land claims in Samoa, and that three Commissioners, assisted by a Natives' Advocate, shall investigate all foreigners' titles to land, and report to the Chief Justice all matters which affect their validity. It was also said in the Treaty that if any one disputed a title, that title would be tried and decided by the Chief Justice.

But now, the Natives' Advocate explains to me, and it is apparent in to-day's issue of the "Samoa Times," that the Land Commissioners are assuming to do the work of the Chief Justice. They not only examine foreigners' titles to land, but they judge them, wishing to finally decide them.

Sir, I am astonished at this new thing. It is not right. It is not according to the Treaty I signed. Therefore I write to beg your Honour to be so kind as to instruct the Commissioners what they have to do.

I shall write letters, if necessary, to the three Treaty Powers fully informing them of the matter about which I have to complain of the Land Commissioners and their work. But I write now to your Honour because Samoans are complaining that investigations are not thoroughly and fairly made, and decisions are prematurely given by the Commissioners; I am therefore very anxious about this matter, and I hope and beg that something may be done without delay to assure Samoans that justice to them is intended.

There have been many Samoans who have said that the Treaty is of no benefit to Samoans. "The Berlin Treaty," they say, "is only for the benefit of foreigners." But the majority have hoped for some benefit for Samoa from the just settlement of the claims of foreigners to land in Samoa. We thought that there would be a

thorough investigation and a just settlement of titles. But now some are complaining at what they see the Commissioners are doing.

Samoa cannot accept the judgments of the Land Commissioners. They are all strangers to us, and in no way connected with the country, there being no Samoan Commissioner.

There have been great difficulties in the country in days past through the rebellion of those not satisfied with the Treaty. Now, I am very much disturbed in my mind lest this new matter should arouse a much more general suspicion that the Treaty is of no benefit for Samoans, because the Land Commissioners who favour foreigners are confirming their titles.

Therefore, I beg your Honour (if I am right in my opinion that the Commissioners can only investigate and not decide disputed claims) to make known to all Samoans, as soon as possible, that they have no injustice to fear, that the Commissioners are not right in their opinion.

May you live.
C. Cedercrantz, Esq.

I am, &c.,
(L.S.) MALIETOA.

(Inclosure 4.)—*Proclamation.*

WHEREAS it has come to my knowledge that it is generally believed in the country that the Land Commission has power and authority to make final decision upon claims of foreigners to land in Samoa;

And whereas individuals may incur serious losses of property by investing money in land or by making other arrangements or agreements concerning land the ownership of which or other rights to which are not yet finally settled:

Now, therefore, I, C. Cedercrantz, Chief Justice of Samoa, hereby make known to all people whom it may concern that the Supreme Court of Samoa shall make final decision upon all claims to land in Samoa.

The second clause of section 6, Article IV, of the Berlin General Act, which clause is said to have given rise to the misunderstanding, is simply a provision that the Court, when it is going to make its final decision, shall confirm such claims as are undisputed, and which the Commissioners, after due investigation, by their provisional decisions in their Reports to the Court unanimously recommend to be recognized and registered.

Mulinuu, in the Supreme Court of Samoa, on the 23rd February, 1892.

C. CEDERCRANTZ.

*(Inclosure 5.)—Proclamation.**(Translation.)*

WHEREAS it has come to my knowledge that it is generally believed in the country that the Land Commission has power and authority to make final decisions on claims of foreigners to land in Samoa, and that the Commissioners can grant land titles to foreigners and dispose of objections and disputes by native Samoans :

Now, therefore, I, C. Cedercrantz, Chief Justice of Samoa, and at the request of His Majesty King Malietoa, hereby make known to all Samoans that the Supreme Court at Mulinnu, which is a permanent part of your own Government, shall finally settle all land disputes in Samoa. The Land Commission has to investigate all claims of foreigners to land in Samoa, as well as objections and disputes regarding such claims ; to endeavour to effect a just and equitable compromise between litigants ; and to report to the Court the evidence taken, with their recommendations whether the alleged title should be recognized and registered, or rejected. After that the final decision will be made in the Supreme Court, which is a permanent Territorial Court for all land disputes in Samoa.

Mulinuu, on the 23rd day of February, 1892.

C. CEDERCRANTZ.

*No. 178.—Baron Senfft von Pilsach to the Marquess of Salisbury.—
(Received April 2.)*

MY LORD,

Apia, February 29, 1892.

I HAVE the honour to inclose herewith a Memoir relating to the distribution between the Samoan Government and the Municipality of Apia of that portion of the Samoan revenues which are collected in the form of duties.

I believe your Lordship will find the subject to be of some actual importance with respect to the Samoan affairs.

I have, &c.,

FREIHERR SENFFT VON PILSACH.

The Marquess of Salisbury.

(Inclosure.)—Memoir relating to the Distribution between the Samoan Government and the Municipality of Apia of that portion of the Samoan Revenue which is collected in the form of Duties.

IN section 3, Article VI, of the Berlin Act, those revenues of the Treasury which shall be for the use of the Samoan Government are specified in the first clause.

Referring to this specification, the second clause describes the

revenues of the Municipality of Apia as being constituted by "the proceeds of the other taxes," and then this description is immediately restricted by the addition of the words "which are collected within the Municipal District exclusively." Neither in the first nor in the second clause are the import and export duties specially mentioned, but just, therefore, it must be inferred that they are comprised in this section under the general denomination of "taxes."

In section 1 of the same Article the port of Apia has been declared "to be the port of entry for all dutiable goods arriving in the Samoan Islands."

Hence the whole of the import duties provided for in the General Act is collected within the Municipal District of Apia, and, consequently, the proceeds thereof are held for the use, and paid out upon the order, of the Municipal Council.

As to the export trade, it has not been restricted to the port of Apia, and, in fact, there are a few other places in the islands from which more or less considerable quantities of produce are shipped direct to foreign countries. Still the duties upon these goods have been hitherto collected by the Collector of the Municipality of Apia, for it was he to whom the exporters have always forwarded their declarations and specifications. However, the extent of these exports and the amount of the respective duties are small in comparison with the exports and export duties of Apia; and if the duties having been and being further collected from the outside places should be claimed and obtained by the Government of the islands, even then the distribution of these duties between the Samoan Government and the Municipality of Apia will be far from what I believe to be a just one.

During the period from the 15th May, 1890, until the 14th May, 1891, the total of the export duties amounted to 2,246 dol. 5 c., and that part therefrom, which, in fact, had been collected outside the Municipal District of Apia, to 107 dol. 81 c., while the balance of 2,138 dol. 24 c. was collected from goods shipped at Apia.

During the period from the 15th May until the 31st December, 1891, the corresponding amounts are as follows:—

							Dol.	c.
Export duties, total	..	..	..	..	..	..	2,836	20½
Outside the Municipality	..	..	..	..	..	..	479	06
							<hr/>	
Inside the Municipality	..	..	..	..	..	..	2,357	14½

This statement shows that the amount of export duties collected from outside places constituted about the sixth part of the whole during the last seven months and a-half, and a much smaller portion during the foregoing twelve months. Yet, considering that the produce of the country which is subject to export duty is altogether

gained outside the Municipal District of Apia, it seems to me that neither the sixth nor the third portion, but rather the whole, of these export duties ought to be received by the Samoan Government.

Possibly, such an arrangement has been intended by the framers of the Final Act of the Berlin Treaty when they apportioned to the Municipality of Apia "the proceeds of the other taxes which are collected within the Municipal District exclusively."

For if this clause is to be understood literally, there is no doubt that the export duties cannot be claimed by the Municipality of Apia since they are not *exclusively* collected in the Municipal District.

But although I have been unable to interpret the word "exclusively" in any other way, still this reading renders the second clause inconsistent with the first clause of section 3, Article VI, and, in fact, leads to such consequences with respect to other revenues as to be hardly in conformity with the scheme of the Municipal Administration.

Therefore, the distribution of the revenues between the Samoan Government and the Municipality of Apia has been hitherto carried on under the rule that all revenues are held for the use of the Samoan Government in so far as they are collected outside, and for the use of the Municipal Council of Apia so far as they are collected inside the Municipal District. Should the Governments of the three Treaty Powers disapprove of this practice as to the export duties, and wish me to hold their full amount for the use of the Samoan Government, I shall be thankful if they will inform me thereof through a joint instruction as provided in section 5, Article V.

Concerning the import duties, there exists no uncertainty that, according to the present wording of the Treaty, they are apportioned to the Municipality of Apia.

This being so, I beg leave to suggest most respectfully an alteration of the respective provision, as in Article VIII the three Powers have reserved the right to change the provisions of the Treaty at any time by mutual consent.

As I have pointed out that those articles which are subject to export duty are growing outside the Municipal District, so I may now refer to the fact that the goods which are imported are by no means consumed entirely within the Municipal District.

It is not yet possible to give reliable statistics on this matter; so I only beg to state that the whole population of the Municipal District of Apia does not yet form the thirtieth part of the population of the country, that the traders, agents, overseers of plantations, and other foreigners living in outlying places, are accustomed to the same necessities of life as the white residents of Apia, and that also the Samoans use a considerable portion of general merchandize in the form of umbrellas, textile fabrics, tinned provisions, soap, &c.

Considering these facts, I should think it would be a fair distribution if two-thirds of the import duties were allowed to the Samoan Government and one-third to the Municipality of Apia.

During the period from the 15th May, 1890, until the 14th May, 1891, the whole revenue of the Municipality amounted to 13,829 dol. 47½ c., and the sum of import duties to 8,237 dol. 18½ c. If two-thirds of this amount, viz., 5,491 dol. 44 c., be deducted from the above, there remains a revenue amounting to 8,338 dol. 3½ c.

During the seven and a-half months from the 15th May until the 31st December, 1891, the corresponding amounts are as follows, viz. :—

	Dol.	c.
Total revenue.. .. .	16,678	09½
Import duties, 10,680 dol. 97 c.: two-thirds of them ..	7,120	64
Balance	9,557	45½

This being the revenue of less than two-thirds of one year, the total of the yearly income can be estimated without hesitation at 14,000 dollars, irrespective of any increase of trade, which, however, is generally expected for the next years.

Considering that in former times all necessities of the Municipal Administration of Apia have been met satisfactorily, so I have been told, by a revenue of about 3,000 dollars per annum, and considering, further, that at present the only charge on that revenue, which has been legally fixed, is the salary of the President of the Council, amounting to 5,000 dollars per annum, I see no difficulty in carrying on the administration of the Municipality of Apia on reasonable lines with a revenue of 9,000 dollars, being the balance between the total revenue (14,000 dollars) and the President's salary.

In case the Government of the three Treaty Powers adopt those views, I most respectfully beg to propose the following amendment, to be inserted in section 3, Article VI, as the third clause :—

“As to the duties, the export duties shall be collected by and for the Samoan Government. Of the import duties, the collection of which shall be in the hands of the Municipal Council of Apia, two-thirds of the gross amount accruing therefrom shall be held for the use and paid out upon the order of the Samoan Government. This provision shall take effect from the 1st January, 1892.”

The foregoing considerations tend to set forth that the proposed amendment would be more in conformity with the effective conditions of the export and import trade of Samoa than the present arrangement, also that such amendment can be introduced at once without endangering the financial foundation of the Municipal Administration of Apia. I shall now proceed to show the actual value of my proposal for the Samoan Government, and for those institutions of the

Berlin General Act which are based upon the existence and consistency of that Government.

This actual value will be easily derived from the fact that the means of the Samoan Government will be exhausted in a few months unless a considerable share of the proceeds of the indirect taxes be apportioned to the Government.

At present there are about 4,000 dollars in the Treasury belonging to the Samoan Government.

Including the salary of the Chief Justice of Samoa, the monthly expenditure of the Government amounts to 1,400 dollars on an average, irrespective of extraordinary expenses. If, under the provision made in section 2, Article III, saying that the compensation of the Chief Justice shall be the first charge upon the revenues of the Samoan Government, I am bound to keep separate the amount of that compensation for the current year, then there are only 500 dollars left for the Samoan Government to dispose of; for the payment of that salary has commenced since the 1st October, 1891, and the balance, which must be paid to the Chief Justice from the 1st March until the 30th September of this year, amounts to 3,500 dollars.

Some revenues are still to be expected, yet they will have no other effect than to slightly postpone the insolvency of the Government. I have repeatedly and strongly urged upon King Malietoa the necessity to go on with the collection of the capitation tax, which hitherto has been collected only up to the 15th February, 1891.

Even when the King recently demanded an increase of his own allowance I explained to him that there could not be the question of any increase in the regular expenses so long as no further taxes were collected from his subjects.

Nevertheless, the continual reply of the King was that under the present circumstances such a measure would only result in a general refusal of payment, and would, at the same time, strengthen the party of Mataafa.

I have not met anybody here who is of a different opinion.

As I have had the honour to state already in my letter dated the 17th July, 1891, addressed to the Consular Representatives here, the Samoans generally do not realize the value of those benefits which they shall gain at the price of the taxes.

People who know them are afraid that such will be the case, not only during the present disturbances caused by Mataafa, but for years to come. In fact, I believe it must be admitted that not only the principal institutions created by the Berlin Conference, but also any step in the way of organizing the administration of the country, will impart the greater share of its advantages, not to the

Samoans, but to the merchants and traders, that is to say, to the white residents.

Also this point of view seems to justify the proposal that the Government of the islands be allowed a greater fraction of the proceeds arising from the trade of the country than they are at present.

Much further than the alteration I have taken the liberty of recommending goes an idea which has been repeatedly discussed by several citizens of Apia.

They plead that the export duties ought to be entirely expunged, while the statistical import duty on all merchandize and goods (No. 9 A, section 2, Article VI) should be raised to 10 per cent. *ad valorem*.

I need hardly say that, in my view, such an arrangement, if combined with the proposed distribution between the Municipality of Apia and the Samoan Government, would be more advantageous to all interested parties than that which I have dealt with. Still it may be advisable to adjourn the consideration of such an ample scheme, and to restrain any present action towards the settlement of the existing difficulties.

It is to be hoped that this purpose will be reached if the three Treaty Powers will be pleased to comply with my above suggestion.

Owing to the unfortunate curtailment of the collection of the direct taxes and the financial situation of the Government, which I have had the honour to explain, a telegraphic reply to my request might result in the prevention of serious issues.

Apia, February 29, 1892.

FREIHERR SENFFT VON PILSACH.

No. 179.—*M. Cedercrantz to the Marquess of Salisbury.*—(Received April 2.)

MY LORD,

Mulinuu, Samoa, March 2, 1892.

I HAVE the honour to acknowledge the receipt of a joint note from the Consular Representatives of Great Britain, Germany, and the United States, dated the 27th February, 1892, addressed to me in pursuance of telegraphic instructions received, and requesting me to explain to the Treaty Powers my absence from Samoa during the months of September and October 1891.

From this communication I must conclude that the three Powers regard the said absence such a misconduct in office, as mentioned in Section 3, Article III, of the Berlin General Act, and, therefore, have under consideration to request my removal, and that the Powers wish to allow me an opportunity of explaining the matter.

Availing myself of this opportunity, I have the honour to give the following explanation.

I left Samoa on the 5th September last for Fiji. The object of my going there was to acquaint myself with the administration of that Colony. Under section 8, Article III, of the Berlin Act I am entitled to recommend to the Samoan Government certain laws, but as scarcely any laws were in existence when I arrived in the country, a thoroughly new system had to be established. I therefore deemed it advisable to acquaint myself with the system of laws in force in Fiji, as having during a number of years proved highly successful in governing a people whose customs and habits are somewhat similar to the Samoans. During my stay of eleven days in Fiji I was, by the kindness of the Governor, Sir John B. Thurston, afforded an opportunity of learning what I desired. I then proceeded direct to Melbourne. There being no direct communication by steamers from Fiji to Samoa, I had the option of returning *viâ* New Zealand or Australia. My choice of the last-mentioned route was owing to my desire to acquaint myself with the so-called Torrens system for the registration of land titles, which is supposed to have reached its highest perfection in the Colony of Victoria. It was my intention to introduce the same system in Samoa in conjunction with the investigation of claims of foreigners to land in Samoa now proceeding. After studying, by the kindness of Mr. de Verdon, the Head Officer of the Office of Titles at Melbourne, the system mentioned above, I then returned by the first steamer that left for Samoa after my arrival in Australia.

Since my return I have, in my capacity as Judge of the Supreme Court, issued an extensive law to provide for the transfer of land by registration of titles, and a law to regulate dealings between foreigners and natives. I have also framed a law to settle the native administration; a law by which the jurisdiction of the Native Courts has been arranged; a law containing provisions for procedure in the Native Courts; and several other laws which have been recommended by me to, and passed by, the Samoan Government. All these laws, copies of which have been forwarded in duplicate to the three Consulates at Apia, are prepared with a view to meet the requirements of local circumstances, and are to a greater or less extent based upon observations I made during my absence. This is also the case with a complete Penal Code which I have framed, and which is now in process of translation.

This is my explanation of my absence from Samoa during the months of September and October 1891, an absence which was entirely in the interests of my office.

I feel obliged, in addition to my explanation, to make some further remarks.

On my way from Europe to Samoa I had the honour to pay my respects at the Ministries for Foreign Affairs at Berlin and Washington, and at the Foreign Office in London. I then expressed my intention of visiting Fiji and New Zealand as soon as possible after my arrival in Samoa for the purpose of studying the systems of ruling native races. In this intention I was encouraged, and I received official letters of introduction from the Colonial Office in London to the Officers administering the Governments of the said two Colonies. I consider it, therefore, impossible that the mere fact of my absence should have prevailed upon the Treaty Powers to take this step.

This being so, and as I cannot suppose that any dishonest motive has been suggested for my departure, I am necessarily led to the conclusion that my departure and absence have been represented to the Powers as endangering the state of affairs in Samoa by the temporary standstill in the exercise of the political and judicial powers conferred upon me and the Supreme Court. It is obvious that I myself must have been fully aware of the political situation, and the probabilities of business for the Supreme Court during my absence, and, in my opinion, the circumstances were never more favourable for my intended journey.

When I had fixed the day of my departure, I notified, among others, the three Consuls. I then received a joint note from them, in which they drew my attention to the serious and unfortunate consequences which might arise owing to my absence from Samoa at the then political crisis, and expressed the hope that I would postpone my projected departure until their respective Governments had been communicated with, in order that arrangements might be made to appoint a substitute during my absence.

I have never failed to give due consideration to any request of any or all of the Consuls or other officials, still I must reserve the determination of my actions for my own judgment. In this particular case I did not, after careful reconsideration, see any imminent danger, or any possibility of change in the political situation, which had not altered in any material way for some months. As to the administration of justice, I wish to state that the Clerk's office was continually open, and the Clerk, who is a professional lawyer, and in whom I have the utmost confidence as to the conduct of all preliminary proceedings, civil or criminal, in regular attendance.

I did not consider the reasons urged by the Consular Representatives for delay sufficiently strong as compared with my reasons for believing it to be the most favourable time for a few weeks' absence, and the results I expected from my journey for the public benefit. Delay was not possible in my opinion. If I had complied with the request of the Consuls, I should surely have been obliged to

relinquish my intention. The Land Commission were to commence their investigations of land claims on the 1st October, and during the first month there was little reason to expect many Reports, but as soon as the Reports once began to flow into the Courts I should certainly have no spare time. Moreover, I was most anxious to have several laws completed and published, in the hope that they would have some beneficial pacifying effect upon the internal troubles of the country.

On my return to Samoa I was glad to find that my suppositions proved correct. The political situation was still unchanged, and no matter of importance had been presented at the Clerk's office. One serious criminal case had occurred, but was on my return still in the stage of preliminary examination, which is, according to the Rules and Regulations of the Court, conducted by the Clerk. After inspection, I found that all the duties of the Court officials during my absence had been well and properly performed.

I must therefore emphatically deny the truth of any statement to the effect that my absence from Samoa during the months of September and October 1891 has in any way been injurious to this country or to the administration of justice therein.

I have only to add that identical letters are forwarded by the same mail to their Excellencies the Reichs-Chancellor Count von Caprivi, and the Secretary of State, Mr. Blaine.

I have, &c.,

The Marquess of Salisbury.

C. CEDERCRANTZ.

No. 180.—*King Malietoa to the Marquess of Salisbury.*—(Received April 2.)

MY LORD,

Apia, March 2, 1892.

ON the advice of the President of the Municipal Council of Apia, I take the liberty to forward to you an abstract from a letter which I have received from the Natives' Advocate, the Rev. E. A. Claxton, respecting the proceedings of the Samoan Land Commission.

Having no authority over the members of that Commission, I beg leave to draw your Lordship's attention to the facts which are stated in the abstract. I shall be greatly obliged if you will take such steps in this matter as you may deem expedient, as well for the benefit of my people as for the successful working of the Land Commission.

I am, &c.,

The Marquess of Salisbury.

MALIETOA, *King of Samoa.*

(Inclosure.)—*Abstract of a Letter to His Majesty Malietoa, King of Samoa, from the Natives' Advocate.*

YOUR Majesty did me the honour to place in my hands the care of the interests of Samoans in the investigation of foreigners' titles to lands in Samoa. I accepted the position only after much deliberation, because I thought the trust so responsible and important. I expected many difficulties, hard work, and a great deal of anger from foreign claimants whose titles it would often be my duty to contest.

But I have met with one difficulty which I did not expect, and which I ought not to be called upon to contend with. I mean the manifest disregard of native rights hitherto shown by the Commissioners, which has led them so far even as to set aside the just provisions of the Berlin Treaty for the protection of those rights.

1. The Commission claim the right to decide and finally settle disputed claims; yet the only public notice they propose to give of the lands claimed was by an "Index of Claims," containing name of claimant, name of parcel of land, and its locality (see printed Rules of Procedure), which was kept on the Commission room's table.

Now they are publicly delivering Judgments instead of sending their Reports to the Supreme Court; and they do not yet possess a survey plan of the district, by which to test and on which to accurately locate the claims.

2. Although the Natives' Advocate is manifestly regarded in the Treaty and the Protocols as a necessary part of the Commission, and is to assist the Commission in their investigation of titles to lands, he alone of all connected with it, and the special representative of native interests, was denied access to the deeds and other written evidence lodged with the Commission by claimants.

Thus, a limitation was placed upon the Natives' Advocate which confined his assistance to the duties of counsel for native objectors, and excluded him from assisting in the examination of undisputed claims.

The Commission have carried their policy of extrusion of the Natives' Advocate so far, that a paper read by a claimant as argument, and afterwards handed to the Commission, has been refused to the Natives' Advocate, on the ground that it is a private paper in the hands of the Commission.

3. Having announced a ruling on the 12th October, 1891, that in the hearings of contested claims the claimant would be regarded as plaintiff and the objector as defendant; that the plaintiff would be required to substantiate his claim by proving that his title was not impeachable under any of the clauses of Article IV of the Treaty;

and, having proceeded strictly on those lines till the 9th February, 1892, then the Commission required the native objector to put in evidence before plaintiff had completed his case. The Natives' Advocate appealed to the ruling aforesaid, whereupon a new ruling was made throwing the burden of proof upon the native objector.

4. In the hearing of a contest on Claim No. 3058, the Commissioners received in evidence the papers lodged with Claim 3064. Counsel for objector argued on some of those papers against the claim. He was then told by a Commissioner that the papers of No. 3064 were not put in; and when reminded that some of them had already been used by claimant, the Commissioner asserted that those now appealed to were forgeries. Yet those papers had been received by the Commission as evidence for the claimant.

5. A Commissioner has repeatedly advised counsel for claimants to "leave well alone," and desist from putting further questions to a witness, and has repeatedly interfered with legitimate cross-examination by the Natives' Advocate of claimant's witnesses.

Advantage has been taken of the inexact manner of Samoan speech, and the scanty knowledge of English on the part of the half-caste interpreter, to turn the answers of witnesses to the disadvantage of the native objector and in favour of the claimant.

I respectfully submit the above to your Majesty's consideration as facts which have a very momentous bearing upon the interests of Samoans, and which contradict the description of the Commission which the Treaty of 1889 declares shall be appointed.

No. 181.—Mr. B. Haggard to the Marquess of Salisbury.—(Received April 4.)

MY LORD, *Apia, Samoa, South Seas, February 23, 1892.*

I HAVE the honour to inclose, for your Lordship's perusal and consideration, respectfully, the following, viz. :—

A copy of a letter from the Chief Justice of Samoa to the Samoan Land Commissioners, dated the 13th February, 1892.

A copy of a letter from the above to the Commissioners, dated the 18th February, 1892.

A copy of a letter from the Samoan Land Commissioners to the Chief Justice of Samoa, dated the 19th February, 1892.

Also a joint Memorandum prepared by the Samoan Land Commissioners, for the consideration of their respective Governments, the result of, and arising from, this correspondence (and an interview held) with the Chief Justice.

These documents speak for themselves, and will, I trust, show

and convince your Lordship that this state of affairs is none of our seeking (us Commissioners).

The Land Commissioners were steadily daily proceeding with their work (and have continued to do so), when, to their surprise, this question was raised.

I respectfully request that I may receive instructions from your Lordship upon the matter, and I have, &c.,

The Marquess of Salisbury.

BAZETT M. HAGGARD.

(*Inclosure 1.*)—*M. Cedercrantz to Samoan Land Commission.*

GENTLEMEN,

Mulinuu, February 13, 1892.

I SHOULD be much obliged if you would be kind enough to let me know, at your earliest convenience, whether the Land Commission in performing their duties have been and are guided by the opinion that the Commissioners, if unanimous, have the power and authority of deciding valid disputed claims.

If such has been and is the case, you would oblige me greatly by granting me the favour of a meeting with you at the office of the Court-house at Mulinuu at any time you may be pleased to appoint, in order to promote an understanding of the interpretation of Article IV of the Berlin General Act.

I have, &c.,

C. CEDERCRANTZ.

(*Inclosure 2.*)—*M. Cedercrantz to Samoan Land Commission,*
February 18, 1892.

[See *Inclosure 1* in No. 177, page 959.]

(*Inclosure 3.*)—*Samoan Land Commission to M. Cedercrantz,*
February 19, 1892.

[See *Inclosure 2* in No. 177, page 959.]

(*Inclosure 4.*)—*Memorandum by Samoan Land Commissioners.—*
Apia, February 23, 1892.

ON the 13th February, 1892, the Samoan Land Commission received from the Chief Justice of Samoa a letter, a copy of which is inclosed herewith, and which they respectfully request may be read in connection with this Memorandum.

In compliance with the request contained in the said letter, they saw, and had a protracted interview with, the Chief Justice, on the 15th February instant; the subject for consideration being the

interpretation of Article IV of the Berlin General Act of 1889, and which was practically limited by the Chief Justice to sections 6 and 11.

Section 6 reads as follows, viz.:—

“All disputed claims to land in Samoa shall be reported by the Commission to the Court, together with all the evidence affecting their validity; and the Court shall make final decision thereon in writing, which shall be entered on its record, undisputed claims and such as shall be decided valid by the unanimous voice of the Commission shall be confirmed by the Court in proper form in writing, and be entered of record.”

The Chief Justice maintained that the words “as shall be decided valid by the unanimous voice of the Commission” had no reference or application to *disputed* claims, and only a contingent, or modified application, to undisputed claims; and that it was for *him* or his Court to decide whether a claim was or was not disputed; and, also, that it was his prerogative to say up to what point of time, prior to the final ending of the case, a disputant might enter; and, also, as to *who* might or might not be a disputant; and said, further, that he was not certain that an entire stranger in interest might not enter in any case, at any time, as a disputant.

Also, the Chief Justice further maintained (in effect) that the business of the Commission, at least in all disputed claims, was to receive, collect, and collate the evidence in each case in preparation for his further examination, consideration, and decision, and that whatever power of final decision (if any) the Commission had was limited to undisputed claims. *In brief, that he had the right to reopen and rehear any or every case in his Court, disputed or otherwise, whatever the unanimous opinion and decision of the Commission had been.*

He further maintained, as to section 11, that as the word “Commission” or “Commissioners” is not there used, except in subsection (b), which he entirely ignored, the Commission have no duties whatever under that section. That in examining or passing upon a claim it was not for the Commission to inquire as to whether or no a claim was invidious or antagonistic to the provisions of subsections (a), (b), (c), and (d) of section 11, and that the *Commission, by unanimous voice even, could not “reject” a claim because of its invalidity under the application of said provisions of said sub-sections or for any cause whatever.*

On the other hand, the Commissioners (all being present) frankly informed the Chief Justice that from the beginning of its work, and then, it had been the opinion of the Commission that, under the provisions of section 6, it had the power and duty of final decision, when of unanimous voice, as to all claims disputed, as well as

undisputed, excepting cases arising under sections 8 and 10, where the decision of the Commission, whether unanimous or otherwise, in certain cases is made subject to his confirmation or approval. They pointed out to him that if his position or interpretation was correct, it was entirely superfluous to give him the power to confirm and approve, as in said sections 8 and 10, and further, that in order to maintain his position successfully the words "and such as shall be decided valid by the unanimous voice of the Commission" in paragraph 2 of section 6 must be treated as without significance or meaning, and to do so, as it seemed to them, would be unwarrantable, and an elimination of language that could not be maintained or justified. Various other considerations in support of their interpretation were respectfully called to the attention of the Chief Justice, but without avail, and thus ended the interview.

On the 18th instant the Commission received another letter from the Chief Justice, of that date, on the same subject, to which reply was made on the 19th instant, copies of which letter and reply are herewith inclosed, and we respectfully request that the same may be read in connection with this Memorandum.

But for the above-mentioned letter of the Chief Justice of the 18th instant, it would not necessarily be correct to attach much importance to the subject of this Memorandum as bearing on the working of the Commission, as it would seem that the possible assumption of power by it, in assuming to make final decisions when unanimous, would not in the least be in the way of the Chief Justice, when the claims with all the evidence come to his hands, as they all must, doing with them in reference to a new trial (if his interpretation be correct) as he should be advised or think best. In other words, our decisions, although treated by us as final, could have no effect upon a claim, if unauthorized, and in violation of the terms of the Treaty; and so we reasoned, and attached no great importance to the interview and the differences there made evident; but in view of the said letter of the Chief Justice of the 18th instant, from the contents of which it may be fairly inferred that he assumes the right to fashion and control the "mode of procedure" of the Commission, it seemed to us to be quite in order to lay the whole matter before our respective Governments; hence this communication.

This Memorandum is submitted to our respective Governments—

1. Because we recognize and understand that, in the performance of our duties as Commissioners, we are the servants of the Powers whence we received our appointments, and are subject only to these Powers, and from them only should receive instructions or directions.

2. Because it appears by the accompanying correspondence that the differences between the Chief Justice and the Commission are radical, and perhaps vital, and bear directly upon the duties and functions of the Commission, and not only involve the interpretation of the Treaty as to whether the Commission has certain powers of final decision when unanimous, but also raises the important questions: May the Chief Justice direct the Commission as to its "mode of procedure" in its work? and, Should the Commission subordinate its ideas and opinions (when at variance) to those of the Chief Justice?

3. Because the Commission, if correct in its position, should not be interfered with or hampered in the performance of its duties, and, on the other hand, if it is in error, it should be instructed to the end that its duties may be performed correctly, and this unfortunate difference between it and the Chief Justice be removed.

4. Because of the consequences and importance of the questions involved to the foreign or alien claimants. In any event there must be a full and thorough investigation before the Commission, the hearing in some cases continuing several days (and in one case ten days or more). In the most complicated, and those wherein are involved the greatest pecuniary consideration, claimants appear before the Commission by counsel, and in many of these cases the expenses of the trial, on hearing to the claimant, must be large.

Now, was it the intention of the Signatory Powers to the Treaty that claimants should be liable to have all this go for naught, in cases where the Commission are unanimous in their findings and decision?

Bearing strongly on the importance of the question involved is the fact that since the Treaty was entered into, and now, the buying or selling of real estate has been, and is, at a standstill, by reason of the uncertainty as to title, and must remain so until the titles have been confirmed under the terms of said Article IV, and this entails no small loss or slight inconvenience upon the claimants.

If the Chief Justice is correct in his interpretation, this condition of chaos and instability must continue for an indefinite period; while under the interpretation of the Commission all cases wherein they are unanimous can be set at rest in a comparatively short time, and it is safe to say that not one-tenth (and probably not one-twentieth) of the cases would be subject to a rehearing before the Chief Justice, for want of unanimity by the Commission.

The pecuniary interest of resident subjects and citizens of the three Powers involved in these considerations can hardly be overestimated.

5. Because, in the opinion of the Commission, its duties are

sufficiently arduous at the best, and it therefore entertains the hope that it may receive early instruction and direction.

All of which is respectfully submitted.

Apia, Samoa, February 23, 1892.

E. J. ORMSBEE.

BAZETT M. HAGGARD.

C. EGGERT.

No. 182.—*Mr. B. Haggard to the Marquess of Salisbury.*—(Received April 4.)

MY LORD,

Apia, Samoa, March 1, 1892.

I HAVE the honour to inform you that my German colleague, Herr C. Eggert, left to-day by steam-ship *Lubeck* under medical orders for Germany. This prevents us for a space of time from trying contested cases, but my United States' colleague, the Honourable E. J. Ormsbee, and myself intend to continue daily inspecting and verifying documents, and doing preliminary work pending the arrival of the new Imperial German Land Commissioner, who, we hear, will shortly be here. We can facilitate work in the future a great deal by this, and save much time.

I had the honour to address to your Lordship a despatch dated the 23rd February, 1892, inclosing therewith a joint Memorandum prepared by the Samoan Land Commissioners, for the consideration of their respective Governments, similar copies of which were sent to their Governments respectively by each Commissioner. Also copies of certain letters similarly sent in connection with the subject-matter of those communications. I have now the honour to inform your Lordship that on the 24th February the town of Apia was placarded with two Proclamations, one being in the English and the other in the Samoan language, made by the Chief Justice of Samoa. I have the honour to inclose the same, with a certified translation of the one in Samoan.

A perusal of the translation will show how the two differ. The Proclamation in English is considered by the Commissioners immaterial. Not so the one in Samoan, addressed to the Samoan people. We were aware, as is pointed out in our joint Memorandum to your Lordship, what were the real views of the Chief Justice, as to what power he had, or had not, over all claims to land, even if undisputed, under Article IV of the Berlin General Act, and I venture to draw your Lordship's attention to this, that this Samoan Proclamation distinctly asserts it as unrestricted in any way, though the one in English admits some limitation. I also venture to point out that the Chief Justice had been

informed in writing that we were about to refer the question he had raised to our respective Governments, upon the 19th February, and therefore, at this juncture, these Proclamations seem superfluous, especially as he had no case before him. Also the question of expense and delay, we referred to in our Memorandum, has been made more clear with regard to this Court, a Table of Fees having been published, which shows that any claimant, even having only an undisputed claim, must pay at least 3*l.* 3*s.* for his title, and, if it is disputed, bear the expense of, and consequent delay of, a trial.

I have, &c.,

The Marquess of Salisbury.

BAZETT M. HAGGARD.

(*Inclosure 1.*)—*Proclamation (in English).*

[See *Inclosure 4* in No. 177, page 961.]

(*Inclosure 2.*)—*Proclamation.*

(Translation from Samoan.)

I KNOW that it is the opinion of many persons in this country that the Land Commissioners have the power of giving final decisions in trials concerning land in Samoa claimed by foreigners; and that the said Commissioners are able to confirm to foreigners their land deeds and set right and finally decide objections by Samoans.

Therefore I, C. Cedererantz, the Chief Justice of Samoa, in accordance with the expressed wish of His Majesty Malietoa the King, make known to all Samoans that with the Supreme Court at Mulinuū alone rests the power in such matters of deciding contentions concerning land in Samoa. The Supreme Court is the permanent part of your Government.

The duties of the Land Commissioners are to carefully examine all deeds of land of foreigners, together with all objections and all contentions arising therefrom, and endeavour to effect a first compromise between the two contending parties; thereafter they shall report in writing to the Supreme Court all evidence of whatever nature, together with their opinion whether it is proper that this land deed or that land deed be confirmed or proper that it be rejected.

Thereafter the trial in the Supreme Court shall take place and the final decision in the matter be made; for the Supreme Court continually exists to carry on trials and contentions caused through land questions in Samoa.

Mulinuū, February 23, 1892.

C. CEDERCRANTZ.

The above is a true and verbatim copy of the Proclamation in the Samoan language dated the 23rd February, 1892, issued by the Chief Justice of Samoa.

Apia, Samoa, February 29, 1892.

R. SKEEN, *Secretary*.

No. 188.—*Consul Cusack-Smith to the Marquess of Salisbury.*—

(Received April 4.)

MY LORD,

Samoa, March 2, 1892.

I HAVE the honour to inform your Lordship that late last night Baron Senfft von Pilsach handed to me a copy of a Memoir, which he has forwarded to your Lordship, "relating to the distribution between the Samoan Government and the Municipality of Apia of that portion of the Samoan revenue which is collected in the form of duties," with a request that I would support his proposals.

In the few busy hours remaining before the mail leaves it would be impossible for me to deal with such a question or to adequately consider his proposals.

As it would, I presume, be too late if sent by the next mail, I do not propose to forward any analysis of these proposals.

The most important point is the imminent insolvency of the Samoan Government, which might be averted temporarily by permitting the Samoan Government to borrow one-half of all the import and export duties for three or six months until the matter can be settled.

It should not be forgotten that the Samoans owe between 40,000 and 60,000 dollars or more as taxes to the Government, of which no collection has been attempted, nor is any collection proposed, and that, therefore, practically the whole of the revenue of Samoa is being unfairly collected from the white residents alone.

I have, &c.,

The Marquess of Salisbury.

T. B. CUSACK-SMITH.

No. 189.—*Baron Senfft von Pilsach to the Marquess of Salisbury.*—

(Received April 6.)

(Telegraphic.)

Apia, March 28, 1892.

I WITHDRAW my Memoir dated the 29th February. Supreme Court has decided that, under the Berlin Treaty, the customs duties belong to the Government.

No. 194.—Consul Cusack-Smith to the Marquess of Salisbury.—
(Received April 11.)

(Telegraphic.)

Apia, March 28, 1892.

THE Chief Justice, I am credibly informed, is of opinion and will decide that the import duties collected here belong to the Samoan Government.

The income of the Municipality would thus be reduced to 1,600*l.* As an annual minimum income of 4,000*l.* or 5,000*l.* is necessary to the Municipality, they would be reduced to bankruptcy.

It is to be hoped that the rights of the white residents and of the Municipality will not be curtailed, in the event of modifications being introduced into the Final Act.

No. 195.—The Marquess of Salisbury to Sir E. Malet.

SIR,

Foreign Office, April 12, 1892.

I TRANSMIT herewith a paraphrase of a telegram from Her Majesty's Consul at Apia,* representing that the decision of the Chief Justice in regard to the destination of the customs duties levied in the Navigators' Islands will reduce the Municipality to a state of bankruptcy.

He further expresses a hope that, in the event of any modifications being introduced into the Final Act of the Conference on Samoan affairs, the rights of the Municipality and those of the white residents will not be curtailed.

I have to request that your Excellency will explain to the German Government the successive communications which Her Majesty's Government have received upon this subject, and that you will inquire what view they take in the matter.

I am, &c.,

Sir E. Malet.

SALISBURY.

No. 197.—Foreign Office to Mr. B. Haggard.

SIR,

Foreign Office, April 13, 1892.

I AM directed by the Marquess of Salisbury to forward herewith copy of a letter from King Malietoa,† inclosing an abstract of a communication from the "Natives' Advocate," in which exception is taken to certain proceedings of the Land Commissioners.

His Lordship would be glad to receive any observations you may have to make in regard to this statement on behalf of yourself and your colleagues.

* No. 194.

† No. 180.

I am at the same time to call your attention to the wording of section 2 of Article IV of the Final Act, which provides that the Commission shall be assisted by an officer, to be styled "Natives' Advocate."

Lord Salisbury does not desire to express any conclusive view upon the subject until he shall have had an opportunity of considering your observations upon it; but his Lordship is at present disposed to think that the general intention of the Act was that the "Natives' Advocate" should act as standing Counsel to the natives, and as a sort of Assessor to the Commissioners on questions of the native language, learning, and customs, much in the same way that expert Assessors assist other Tribunals in whose final decisions they have no direct voice.

I am, &c.,

B. M. Haggard, Esq.

T. H. SANDERSON.

No. 198.—Foreign Office to Chief Justice Cedercrantz.

SIR,

Foreign Office, April 13, 1892.

I AM directed by the Marquess of Salisbury to acknowledge the receipt of your letter of the 2nd ultimo, explaining the reasons for your absence from Samoa during the months of September and October last.

I am, &c.,

C. Cedercrantz, Esq.

T. H. SANDERSON.

No. 200.—The Marquess of Salisbury to Sir E. Malet.

SIR,

Foreign Office, April 20, 1892.

WITH regard to the currency question in Samoa, I have to state to your Excellency that I have been informed by the German Embassy in London that the United States' Government have not, as was previously supposed, absolutely fixed the rate of exchange for 20 German marks at 4 dol. 76 c., but have merely concurred in the opinion that the 20-mark gold-piece should be taken in exchange at that rate.

The United States' Consul at Apia has been instructed in this sense.

I am, &c.,

Sir E. Malet.

SALISBURY.

*No. 202.—Consul Cusack-Smith to the Marquess of Salisbury.—
(Received April 28.)*

MY LORD,

Samoa, March 30, 1892.

WITH reference to your Lordship's despatch of the 8th December, 1891, instructing me to act with my German colleague in urging the Samoan Government to adopt the suggestions for the settlement of the currency question which were made by the Municipal Council of Apia on the 3rd June and 24th July, 1891, I have now the honour to report that owing to the United States' Government not having sent similar instructions to the American Consul, my German colleague and I have not been able to carry out our instructions hitherto in this matter, beyond communicating them to the Municipal President.

The American Consul has informed us that the views of his Government do not coincide with those expressed on the currency question by the Governments of Her Majesty and of Germany.

The inclosed Resolution was passed by the Municipal Council on the 17th June; and as it is practically identical with the Resolution referred to in your Lordship's instructions of the 8th December, 1891, I was prepared to accept it.

However, my American colleague would not consent, and so we unanimously decided to refer the Resolution to our respective Governments for instructions.

I have, &c.,

The Marquess of Salisbury.

T. B. CUSACK-SMITH.

(Inclosure.)—Extract from the "Samoa Times" of March 19, 1892.

*Extract from Report of Proceedings of the Municipal Council of Apia,
June 17, 1891.*

THE President produced a paper, signed by three members of the Council, asking him to place on the notice paper of to-day a subject relating to the currency, which he had done. The suggestions in the document were that the English sovereign and the 20-mark gold piece be accepted as equal to the 5-dollar United States' gold piece, and that the English silver be accepted at the rate of 1s. English to 25 cents United States' currency, and that after the 15th May next Chilean silver be not taken in the Customs at the rate of 1 dollar Chile to 75 cents United States' currency. The President said he approved of the suggestion. It was the same as he suggested to the King to regulate the Samoan Government currency, and if the Consular Board approved of the Resolution, which he had no doubt it would, he would adopt the same as Samoan Government currency.

The Resolution to change the currency in accordance with the suggestion was put to the meeting, and carried unanimously. Mr. Moors did not vote.

No. 203.—*Baron Senfft von Pilsach to the Marquess of Salisbury.*—
(Received April 28.)

MY LORD,

Apia, March 30, 1892.

ON the 28th instant I had the honour to forward the following cablegram to the Foreign Offices at London, Berlin, and Washington:—

“I withdraw my Memoir dated the 29th February. Supreme Court has decided that, under the Berlin Treaty, the customs duties belong to the Government.—SENFFT.”

I beg leave to inclose copy of that decision, showing that I have been misled through the wording of the respective provisions of the General Act of Berlin. Now it is no more the Government, but the Municipal Administration of Apia that an increase of revenue is required for. I suppose that suggestions for such purpose will be submitted to the Governments of the Treaty Powers at an early date.

I have, &c.,

FREIHERR SENFFT VON PILSACH.

The Marquess of Salisbury.

(Inclosure.)

IN THE SUPREME COURT OF SAMOA.

In the matter of an application of the President of the Municipal Council of Apia, Freiherr Senfft von Pilsach, for decision: “As to whether, under the terms of the Berlin General Act, the export and import duties provided therein should be for the use of the Government, or should be held for the use of the Municipal Council of Apia.”

On the 28th day of March, 1892.

WITH regard to the customs revenues in general, the nature of the case requires them to be used for the expenses of the general administration and government of the country in which they are levied, since that kind of revenue, although in the first hand paid by the importer, ultimately operates as a charge upon the whole national wealth of the country, I am not aware of any instance where the bulk of import and export duties of a country has been apportioned to a local Municipal Administration. Any arrange-

ment to that effect must certainly be so expressed as to leave no doubt as to its intention.

The system of levying and collecting revenue by way of customs has been introduced into this country by the Berlin General Act of the 14th June, 1889. The stipulations relative to import and export duties now in force in Samoa are contained in Article VI of the said Treaty.

Section 2 of the said Article provides that, to enable the Samoan Government to obtain the necessary revenue for the maintenance of government and good order in the islands, there may be levied certain duties, taxes, and charges which are in the same section arranged under five divisions, viz.:—

- (a.) Import duties.
- (b.) Export duties.
- (c.) Taxes to be annually levied.
- (d.) Occasional taxes.
- (e.) Licence taxes.

Section 3 of the same Article provides:—

“Of the revenues paid into the Treasury, the proceeds of the Samoan capitation tax, of the licence taxes paid by native Samoans, and of all other taxes which may be collected without the Municipal District, shall be for the use and paid out upon the order of the Samoan Government. The proceeds of the other taxes, which are collected in the Municipal District exclusively, shall be held for the use and paid out upon the order of the Municipal Council to meet the expenses of the Municipal Administration, as provided by this Act.”

I understand that the interpretation hitherto followed, as mentioned in the application, and to test the correctness of which this question is now submitted to me for decision, has arisen from a general opinion that section 3 purports to comprise all kinds of revenue, and that, consequently, customs duties as collected within the Municipality—the port of Apia being the port of entry for all dutiable goods arriving in the Samoan Islands—should be held for the use of the Municipal Council of Apia. But it appears to me that neither the intention of the Conference, as expressed in the Protocols, nor the wording of the General Act, supports such an interpretation.

The first draft Budget submitted to the Conference on Samoan affairs held at Washington, 1887, contains an estimate of the different sources of revenue that could be raised for the Government of Samoa by taxation. There is no doubt that that draft Budget has been the basis of the calculations of the Berlin Conference respecting taxation and revenue in Samoa, and therefore inferences of considerable weight may be drawn from the said estimate, with a

view to a right understanding of the provisions in question finally adopted.

According to the above-mentioned estimate, showing a total less than 90,000 dollars for the use of the whole kingdom, the taxes corresponding to those enumerated under (c), (d), and (e) of section 2, Article VI, of the Berlin General Act, and which, under section 3, are to be held for the use of the Municipal Council of Apia, were calculated to amount to more than 12,000 dollars, and pilot dues and quarantine dues, as therein estimated, would give an additional sum of above 3,000 dollars. These sums seem to me to afford a fair and reasonable portion for the use of the Municipality of Apia, even taking into consideration the first charge created by section 5, Article V.

The revenues of import and export duties as estimated in the above-mentioned draft exceeded 20,000 dollars, of which amount the *ad valorem* duty, therein kept down to 1 per cent., was calculated to exceed 5,000 dollars.

It cannot be presumed that the Berlin Conference, while leaving Samoa the character of a free-trade country, and limiting the prerogative of the Samoan Government of imposing import and export duties, should have intended the revenues accruing under such duties for the use of the Municipal Administration of Apia. This would be giving the whole advantage of the comparatively small duties allowed to be levied by the Samoan Government upon foreign goods, wares, and merchandize to the administration of a Municipality of foreign residents, which in fact would have been tantamount to subjecting all the outlying districts of Samoa to taxation for the benefit of this Municipality.

It ought at least to be expected that the Plenipotentiaries having at the time determined to continue a certain Municipal Administration for the town and district of Apia, should, in the course of their considerations and discussions of import and export duties, have let fall a word tending to explain that that vast portion of Samoan revenue should be held for the use of the Municipal Administration, if such had been their intention; still there is no trace of such word in the Protocols. This is the more striking as the *ad valorem* duty was raised to 2 per cent., and suggested to be raised to a still higher figure; surely not for the exclusive benefit of the Municipality, for the administration of which it must be considered to have been more than amply provided had the customs duties, even with an *ad valorem* duty of only 1 per cent., been available for this purpose, even setting aside all taxes stipulated in (c), (d), and (e) of section 2.

For a right interpretation of section 3, Article VI, it should be borne in mind that the Municipal Administration of the district

of Apia is an exception to the autonomy of the Samoan Government, and that, consequently, all powers and rights conferred upon the said Municipality must be interpreted *strictissime*. Now it appears that, whereas in section 2 there are mentioned duties, taxes, and charges, section 3 simply speaks of "taxes." Thus, although the word "taxes" may cover duties, still with such interpretation we are confronted with the difficulty of the arrangement in section 2, where duties and taxes are kept apart and inserted under separate divisions.

Inasmuch as such interpretation would apportion the customs duties to the Municipal Administration, it would imply an extensive construction in favour of an exception, which is in contravention of the rules of interpretation of laws. The word "taxes" in section 3 can, consequently, not comprise those under (a) and (b) in section 2, enumerated import and export duties.

By reason of what I have stated, and whereas the nature of the case, the intention of the legislator, and the wording of the Treaty provisions subjected to an exact interpretation, fail to support the interpretation hitherto prevailing as mentioned in the application, I hereby declare that under the Berlin General Act the revenues of the import duties and export duties provided for by section 2, Article VI, of the Act, shall be for the use of the Samoan Government.

Given, Mulinuu, day and year as first above written.

(L.S.) C. CEDERCRANTZ.

No. 207.—The Marquess of Salisbury to Count Metternich.

M. LE CHARGÉ D'AFFAIRES,

Foreign Office, May 6, 1892.

I HAVE carefully considered, in consultation with the Law Advisers of the Crown the verbal communication which Count Hatzfeldt made to me on the 31st March last,* proposing that the three Treaty Powers should affirm by a Joint Declaration that a recent decision of the Samoan Land Commission upon the construction of section 8 of Article IV of the Samoan Act shall be ultimate and final.

I have to observe, in reply, that while Her Majesty's Government are desirous in every way to accelerate the labours of the Commission, the course proposed appears to them to be open to serious objections.

According to the provisions of the Final Act, recourse may be had from a decision of this nature to the Chief Justice of Samoa. A public Declaration by the Treaty Powers to the effect

contemplated would, in fact, be a modification of the terms of the Final Act, and a limitation of the rights of parties under it. Such a document, in order to have validity and binding force, should be invested with the same formalities as the Act itself, and its issue might produce an unfortunate impression upon public opinion, both native and European, in the islands.

If the decision of the Commissioners is correct, it must be assumed that that decision will be duly confirmed upon revision by the Chief Justice, whilst if, on the other hand, it is a mistaken one, Her Majesty's Government are advised that it should be set right by the Tribunal established for that purpose by the terms of the instrument which created the Commission, and on the faith of which the natives and others are acting in respect of their claims.

As regards the delays which have occurred in the settlement of the question of land titles, it seems evident, in view of the small number of claims already received, and of the very large number still outstanding, that the Commission cannot finish its work within the term of two years originally fixed.

But I have reason to believe that the Commissioners are working in perfect harmony, and that both on public grounds and from considerations of private convenience they will make every effort to bring the investigation to as rapid a conclusion as the circumstances will permit.

I have, &c.,

Count Metternich.

SALISBURY.

No. 208.—The Marquess of Salisbury to Mr. Trench.

SIR,

Foreign Office, May 7, 1892.

THE following verbal communication was made to me by Count Hatzfeldt on the 31st March :—

It appeared from reports received in Berlin from Apia that, when dealing with a question of disputed title, the Samoan Land Commission had recently unanimously adopted a preliminary decision in regard to the construction of section 8, Article IV, of the General Act of the Samoan Conference held at Berlin. This decision was to the effect that acquisitions of land anterior to the Anglo-Samoan Treaty could not be contested by a denial of the right of the Samoan vendor to dispose of the land.

The section referred to runs as follows :—

“ All lands acquired before the 28th day of August, 1879, being the date of the Anglo-Samoan Treaty, shall be held as validly acquired, but without prejudice to rights of third parties, if purchased from Samoans in good faith, for a valuable consideration, in

a regular and customary manner. Any dispute as to the fact or regularity of such sale shall be examined and determined by the Commission, subject to the revision and confirmation of the Court."

The parenthetical condition, "without prejudice to rights of third parties," had been appealed to by the Natives' Advocate as requiring an examination of the question whether the Samoan vendor was at the time the legitimate proprietor of the estate sold, and as implying that the sale must be considered invalid in case there had existed rights over the property on the part of some other Samoan who had not been a party to the sale by the said vendor.

The decision of the Commissioners was to the effect that the term "rights of third parties" was not to be construed as including any such rights which a native of Samoa may claim to have acquired before the 28th August, 1879, and that the words "in a regular and customary manner" do not require proof of title to dispose of the land on the part of the Samoan vendor.

This decision appeared to the German Government to be of much importance for the consolidation of foreign property in Samoa, and to be calculated to contribute essentially to the promotion of the labours of the Land Commission. It was, however, to be feared that, as its effect would be to remove much material for litigation, the Natives' Advocate and other Advocates in Apia would leave nothing untried to contest it before the Supreme Court, and to win the Chief Justice to their view.

As the German Government concurred with the British and United States' Governments in the wish to forward the labours of the Land Commission and to remove obstructions—a tendency which had been shown in the instructions recently issued to the Representatives at Apia—it seemed to them desirable to affirm by a Declaration, to be agreed upon between the Treaty Powers, that the decision of the Land Commissioners with regard to section 8, Article IV, of the Samoan Act, as before explained, is to be accepted as final.

They accordingly proposed that a Declaration in this sense should be agreed upon and communicated to the authorities at Apia.

I have addressed a note to Count Metternich, of which copy is inclosed,* explaining the grounds on which Her Majesty's Government think that such a proceeding would be unadvisable.

I am, &c.,

Hon. P. Trench.

SALISBURY.

No. 210.—The Marquess of Salisbury to Count Metternich.

M. LE CHARGÉ D'AFFAIRES,

Foreign Office, May 16, 1892.

HER Majesty's Government have had under their consideration, in consultation with the Law Officers of the Crown, the verbal communication which you made to me on the 12th ultimo relative to the interpretation of those provisions of the Final Act of the Berlin Conference on the affairs of Samoa which affect the rights and duties of the Chief Justice and the Land Commissioners respectively.

A difference of opinion has arisen between the Chief Justice and the Commissioners on certain points which are explained in the Joint Memorandum of the latter officers, dated the 23rd February last.

The Land Commissioners hold themselves entitled, under section 6, Article IV, of the Final Act, to decide finally upon all claims, whether disputed or undisputed, which may be declared valid by the unanimous voice of the Commission, and they consider that their decisions in such cases are to be referred to the Supreme Court merely for confirmation and for purposes of record.

The Chief Justice, on the other hand, maintains that the final decision upon all contested claims is vested in himself, and that, to use his own words, "the Land Commission is an investigating Commission, and not a Court."

He further claims the right, under section 4, Article III, of the Final Act, to control and modify the procedure of the Land Commissioners, and he has sought to enforce his views by the issue of two public Proclamations to the above effect.

The Land Commissioners have, however, declined to accept the ruling of the Chief Justice upon these points, pending a reference to their respective Governments.

You stated that the German Government are of opinion that the Chief Justice is technically correct in holding that the final decision upon all contested claims rests with the Supreme Court, and that the Land Commission should not be considered as a Court of Justice, but rather as a Court of Inquiry. Having regard, however, to the fact that the practice hitherto followed by the Commission and the Court has not been in accordance with the view now expressed by the Chief Justice, they propose, in order to prevent delay and expense, that the principle, if recognized by the Powers, should only apply to future cases, and should not have a retroactive effect.

On the other hand, the German Government are not prepared to admit that the Chief Justice possesses the right which he claims of regulating the proceedings of the Land Commissioners, though they

are ready to waive their views upon this point if the other Powers concerned should be of a different opinion.

You have requested to be informed of the views of Her Majesty's Government upon the questions at issue.

The first question depends upon the construction of section 6 of the IVth Article of the Final Act of the 14th June, 1889. The section is not so worded as to make its interpretation entirely free from doubt; but looking to the provisions of the earlier sections of the same Article, to the duties to be performed, and the Report to be made by the Commissioners, Her Majesty's Government are of opinion that the final decision upon all disputed claims was intended to rest with the Court, and that in this respect the view taken by the Chief Justice is correct.

Her Majesty's Government think that the meaning of the second paragraph of section 6, though not very clearly expressed, is that in the case of undisputed claims which are decided to be valid by the unanimous voice of the Commission, the duties of the Court are purely ministerial, but that in all cases of disputed claims, or of claims as to which—though there be no rival claimant or opposing litigant—the decision of the Commissioners is not unanimous, the Court has power to decide as to the claim.

Upon the second question, Her Majesty's Government agree with your Government that the contention of the Chief Justice is not well founded, and that he has no right to control and direct the actual procedure of the Commissioners, except upon the question of the extension of time for the presentation of claims, referred to in section 3 of Article IV.

Pending a further communication from your Government, I do not propose to return any reply either to the communication received from the Chief Justice or to that from the British Land Commissioner on this matter

I have, &c.,

Count Metternich.

SALISBURY.

*No. 212.—Baron Senfft von Pilsach to the Marquess of Salisbury.—
(Received May 26.)*

MY LORD,

Apia, April 22, 1892.

I HAVE the honour to acknowledge the receipt of your note dated the 8th December, 1891, respecting my resignation of the post of President of the Apia Municipal Council.

With reference thereto I beg to acquaint your Lordship, most respectfully, that the German Government have not communicated to me any agreement of the three Powers, but only stated that they themselves declined to approve of my resignation. As regards the United States of America, all I know of their decision is what I may

conclude from the fact that your Lordship had kindly expressed the opinion that the German Government would have informed me of the Powers being not prepared to accept my resignation.

Considering the clause of the Berlin General Act, Article V, prescribing that the holder of my office shall not receive other than joint instructions from the three Powers, it might be questioned whether or not, through the two notes above mentioned, the case of my resignation has been settled, even formally. Materially, I hardly need to point out the considerable difference as to the effect of such joint instruction, manifesting the common confidence in me of the three Powers, and of the divergent attitude observed by them with respect to my identical request. Thus, in fact, I had no answer in my hands which I could use officially in order to secure a public satisfaction corresponding with the public damage having been done to my position. On the contrary, all that became known of the negotiations between the Governments concerned, and their way of dealing with my request, supported those comments on the case, which were as much offending to the German Government as prejudicial to my work, saying that Germany was anxious to maintain me in my position because I decidedly favoured the German interests. Concerning the facts upon which, beyond the personal side of the matter, I based my resignation in October last, I regret to say that nothing has occurred since then that could have altered my opinion as to the chances of a successful performance of my official duties.

Therefore, I have the honour to submit again the request to your Lordship for your kind approval of my resignation.

If I am allowed to express an opinion as to the appointment of my successor, I beg leave to recommend to your Lordship Dr. Filip Hagberg, the present Clerk of the Supreme Court, and Secretary to the Chief Justice of Samoa, as a very suitable person for the office in question. For the purpose of preventing any possible misunderstanding of this suggestion, I am to state, at first, that M. Ceder-crantz is in no way connected with it, and that in submitting the same to you I am guided by no other reason than the wish to manage my resignation with as little difficulty as possible.

Dr. Hagberg is a Swedish subject of mature years, of an unimpeachable reputation for honour, justice, and impartiality, and of an independent and energetic character. As a result of his actual position and of his individual capacity he possesses a perfect understanding of the Final Act of the Berlin Conference; also, living at Apia since fifteen months he is fully acquainted with the local requirements of the place of Apia, as well as with the situation of the Samoan Government. His appointment would, therefore, secure quite an uninterrupted administration of my office. Finally, the

personal relations between Dr. Hagberg and the Chief Justice, M. Cedercrantz, constitute a valuable guarantee that also in future conflicts between the Chief Justice and the President would be avoided. I hardly need say that frictions between those officials would be more prejudicial to the working of the Berlin Treaty than any other frictions, which, as it seems, will never disappear at Apia.

I have, &c.,

FREIHERR SENFFT VON PILSACH.

The Marquess of Salisbury.

No. 217.—*Count Metternich to the Marquess of Salisbury.*—(Received June 22.)

(Translation.)

MY LORD,

German Embassy, London, June 18, 1892.

I HAD the honour to learn, from your Excellency's note of the 6th ultimo, that Her Britannic Majesty's Government hesitate to settle by a Declaration by the three Treaty Powers the decision of the Apia Land Commission respecting the interpretation of Article IV, section 8, of the Samoan Act.

According to information received by the Imperial Government from Washington, the American Government is also disinclined to agree to the proposal made in the matter by the Imperial Government. But the American Government share the view of the case put forward by the Imperial Government, and propose that identic instructions should be issued to the Consuls at Apia to inform the Chief Justice that the Treaty Powers consider the decision of the Land Commission to be correct. The Imperial Government are of opinion that such a step would be useful in the direction of expediting the labours of the Land Commission, and does not see in it the use of any improper influence on the Chief Justice, as the Treaty Powers must have an unrestricted right of informing the Samoan officials of their views regarding the interpretation of the Samoan Act.

Under the instructions which I have received, I have the honour to inquire whether the Government of Her Britannic Majesty agrees to the proposal made by the American Government, and is prepared to instruct their Consul at Apia in the sense suggested.

I should be glad to receive an answer at an early date, and have, &c.,

The Marquess of Salisbury.

P. METTERNICH

No. 218.—*Mr. B. Haggard to the Marquess of Salisbury.*—(Received June 24.)

MY LORD,

Apia, Samoa, May 25, 1892.

I HAVE the honour to acknowledge the receipt of a despatch dated the 13th ultimo, inclosing copy of a communication from King Malietoa, and abstract of a letter from "the Natives' Advocate," consisting of complaints made by him against the Samoan Land Commission as regards their mode of executing the work of the Commission. In the above-dated despatch to myself of the 13th April, your Lordship set out what seemed at the moment to you to be the proper position to have had assigned to him, the Natives' Advocate, in connection with his duties and his proper relation to the Commissioners. I am happy to be able to state that your Lordship's view corresponds exactly with the position the Commissioners felt he held, and should hold, which position was most ungraciously and unwillingly accepted by him, as he wished to sit as one of the Commission. We considered him "an officer to assist the Commission, as standing Counsel for natives, as a kind of expert Assessor in regard to native questions, but having no voice in our decisions." In your Lordship's despatch of the 13th ultimo, on forwarding me the above alluded to inclosures, you intimated that you would be happy to receive any remarks I might have to make with respect to the matters therein contained, for which I respectfully express my obligations to your Lordship. That opportunity so offered me, "on behalf of myself and my colleagues," I have taken advantage of, and have prepared a Memorandum in that respect, as an answer to the complaints of the "Natives' Advocate," forwarded by King Malietoa. It bears even date with this, and I have the honour to inclose it. Accompanying it are certain letters (copies), and copies of the Minutes from the Record Book kept by the Commissioners, which bear out the statements contained in the Memorandum. I respectfully request that, on the perusal of the Memorandum, these letters and Minutes may be also read, as they, it seems to me, present written evidence (at the time made and forwarded) to support my answer. I regret to have had to deal with the Natives' Advocate's complaints at such length, but I could not curtail my reply more, and give a fair and, as I venture to assert, a complete answer to the numerous and seemingly trifling unfounded complaints.

I am glad to be able to inform your Lordship that the work of the Commission is proceeding most satisfactorily. The gentleman "acting Natives' Advocate" gives all the assistance he can, and works as hard as he can, to keep abreast with the work, in presenting the objections of natives for hearing and investigation.

We have reported many (121) claims since my last despatch, of
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which 26 claims were contested ; 401 in all, several of them contested, and intricate cases.

I have, &c.,

The Marquess of Salisbury.

BAZETT M. HAGGARD.

(Inclosure.)—Memorandum containing a Reply to certain Complaints made by the Natives' Advocate against the Samoan Land Commissioners.

As certain complaints have been forwarded by King Malietoa to the Marquess of Salisbury, K.G., from the Natives' Advocate respecting the proceedings and procedure of the Samoan Land Commission, the undersigned Commissioner is grateful that he is permitted to submit the following in answer :—

It is respectfully asserted at once by him as a general statement, to meet the whole complaint, that it is absolutely groundless. That the alleged misdeeds and shortcomings of the Samoan Land Commissioners are as fanciful and imaginary as they are capable of disproof and disposal, and he regrets that his Lordship has to be troubled in a serious way with such in reply. In the first place, the Natives' Advocate has no right to say or suggest that the Commissioners have shown "a manifest disregard of native rights," but, having done so, he should not have been content with that, but should have given an instance or instances where, when, or how "the just provisions of the Berlin Treaty" have been "set aside" by the Commissioners. Had such an instance occurred it could have been adduced. With respect to their supposed misinterpretation or want of appreciation of their duties under the Berlin Final Act, or towards the Natives' Advocate, their changes in rulings, their mis- and non-reception of evidence, their interference with Counsel on either side, and the complaint in connection with their interpreter, set out and numbered in the abstract of letter forwarded to his Lordship by King Malietoa, permission is respectfully asked to deal with them in their order.

"1.—(a.) The Commissioners claim the right to decide and finally settle disputed claims."

The question of what "the Commissioners claim" is already before the Signatory Powers to the Treaty, and the respective Governments of the Commissioners, for their decision.

"(b.) The only public notice they proposed to give of the lands claimed was by an 'Index of Claims,' containing name of claimant, name of parcel of land, and its locality." (See printed Rules of Procedure, which was kept on the Commission room's table.)

The undersigned Commissioner could appreciate the exception taken thus had the Natives' Advocate ventured to state that there was any rule which precluded or limited the capacity of the Commis-

sion to give special notice to natives. As a matter of fact, the rule which he refers to was as much departmental as for the general public, in order that at once the Commissioners and Secretary following it should do something to afford facilities to objectors and claimants, without limiting their future action in that direction. The Commissioners were daily expecting and hoping to hear of the appointment of the Natives' Advocate, so that the fair position of native objectors with regard to the inquiry should be arrived at, in order for them to be able to properly present their objections, after consultation with him; but, *ad interim*, they wished to afford every opportunity to natives and aliens, and so far as they could see that was, for the time, the only way. The Natives' Advocate was not appointed by the King of Samoa till the 28th August, 1891; he did not arrive at the office in his official capacity till the 31st.

On the 31st August and 1st September the Commissioners and Natives' Advocate were talking over all these matters, and having arrived at a scheme which has been continuously since adopted, there stared the Commissioners in the face (owing to the decision of the Chief Justice as to their expenditure) the fact that they had no power to incur expenses for special notices.

On the 1st September, 1891, they wrote to the Chief Justice (a copy of which letter is respectfully inclosed herewith), asking if he would allow this expense. On the 3rd September they received a reply assenting, and on the 4th September (a copy of the Minute from the Record Book of the Commissioners is respectfully inclosed) Mr. Thomas Trood was engaged to translate into Samoan the information deemed necessary then. The Natives' Advocate undertook to supervise the translation, to approve the notices, and through Samoan officials to see to their proper and sufficient distribution. That labour he almost immediately repudiated, and the work has had to be done by the Commissioners without his assistance, but the exact plan for distribution of notices and form of list then adopted is still followed.

“(c.) Now they are publicly delivering Judgments instead of sending their Reports to the Supreme Court, and they do not yet possess a survey plan of the district by which to test and on which to accurately locate the claims.”

The Natives' Advocate is perfectly aware that it is impossible to forward for registration claims and the Reports until the examination of titles to a whole district has been completed, lest a title should be prematurely registered, and a native objector or a rival claimant, either through carelessness on the part of the Natives' Advocate, or for some other reasons, find that his land has been registered in favour of another, to his detriment and permanent loss. The Natives' Advocate continually requested the Commissioners to

re-open claims which he had had every opportunity of notifying to the Commissioners were to be objected to. He had an office and a staff, yet both with him and the present acting gentleman, the Commissioners find that they have to hark back again to their work, in order that the natives and other parties may receive justice.

The conduct of the Commissioners as regards "a survey plan" has been already disposed of by a despatch from the Marquess of Salisbury of the 8th March, 1892, to the undersigned Commissioner. On every occasion that the Natives' Advocate has said that there is any difficulty in locating parcels of land of objectors, with regard to a claim or claims, the Surveyor to the Commission has gone at once to survey the ground. The natives have been present, a complete survey of the whole of the lands in question has been made, and the respective objections located on the Map made for the Commission.

The "publicly delivering Judgment" is simply to give claimants and native objectors information, as they are naturally anxious, and ask to know the nature of the Reports.

"2.—(a.) Although the Natives' Advocate is manifestly regarded in the Treaty and the Protocols as a necessary part of the Commission, and is to assist the Commission in their investigation of titles to land, he alone of all connected with it, and the special representative of native interests, was denied access to the deeds and other written evidence lodged with the Commission by claimants. Thus, a limitation was placed upon the Natives' Advocate, which confined his assistance to the duties of Counsel for native objectors, and excluded him from assisting in the examination of undisputed claims."

The position that the Commissioners considered was assigned to the Natives' Advocate by the Berlin Final Act was that the Natives' Advocate "was an officer to assist the Commission," and should act as standing Counsel for the natives, and as a sort of Assessor to the Commissioners in native matters, where he would be likely to be well informed, but having no voice in the final decisions of the Commissioners.

On his appointment this proved unpalatable to the Natives' Advocate, as he wished to assume the position of a Commissioner. *It is untrue* that he "was denied access to the deeds and other written documents." Herewith is inclosed a copy letter of the 26th October, 1891, addressed to the Natives' Advocate by the *then* Commissioners, which it is respectfully requested may be read as part of this Memorandum.

His assertions *then* made were *then* denied, and subsequently he has been daily and continuously, when he chose to come, examining deeds which have been placed unreservedly at his disposal by the Secretary, and so has his successor.

It is true that he at first requested the Commissioners to allow him to take away from the charge of the Commissioners deeds and documents of title to peruse elsewhere, which the responsibility of the Commissioners to claimants made an impossibility, nor could the Commissioners at once lay the whole of the deeds and documents before him, to have them at his inspection as a complete whole, owing to the fact that the number of claims and documents lodged within the last month, and especially the last few days, was so enormous that the Commissioners and Secretary had to go through them to see what they had in charge, and to number and classify them.

They informed him, however, that, with respect to any claim which he might indicate from the index or register, or which was in the list either published or about to be, the Commissioners, upon request, would immediately place all the papers in connection with the claim at his disposal.

He was never refused any association with the Commissioners with regard to the consideration of undisputed claims, and no claim was regarded as undisputed until after he had informed the Commissioners there was no objection to it. As soon as the Commissioners had the deeds and documents in some sort of order they were indiscriminately placed before him at his will. By way of illustration of the above statements, upon the departure of His Imperial German Majesty's Commissioner the remaining Commissioners, realizing that they were not a complete Commission, and the Natives' Advocate might think the ordinary practice that had been followed hitherto was in abeyance, requested him in writing, by letter dated the 2nd March, 1892, and conversation, as they proposed examining claims and documents in order to facilitate work in the future, to sit with them during such examination, which he did for one morning only, and absented himself afterwards (a copy of which letter is respectfully inclosed).

“(b.) The Commission have carried their policy of extrusion of the Natives' Advocate so far that a paper read by a claimant as argument, and afterwards handed to the Commission, has been refused to the Natives' Advocate on the ground that it is a private paper in the hands of the Commission.”

It is true that a claimant, dead since the occurrence, having made some notes of his *own*, which he referred to during his remarks, handed them to the Commissioners. The Commissioners, out of politeness, took the paper, and considered it properly as being his private notes, and as private. It is also true that the claimant, a very old gentleman, had endorsed on the back of his notes “Argument.”

“3. Having announced a ruling on the 12th October, 1891, that

in the hearing of contested claims the claimant would be regarded as plaintiff and the objector as defendant; that the plaintiff would require to substantiate his case by proving that his title was not impeachable under any of the clauses of Article IV of the Treaty; and, having proceeded strictly on these lines till the 9th February, 1892, then the Commission required the native objector to put in evidence before plaintiff had completed his case. The Natives' Advocate appealed to the ruling aforesaid, whereupon a new ruling was made throwing the burden of proof upon the native objector."

The Commissioners made no distinct ruling, but stated that the simplest way to proceed was to follow the ordinary rules of procedure adopted in every Court, even of the most limited jurisdiction, namely, that the claimant should show his title and the objector point out where it failed, and upon what grounds the objection was founded. One day, in the afternoon, from some cause or other, through illness or accident, some witnesses for the claimant could not be present, and the Commissioners, in order to save the afternoon for work, requested the Natives' Advocate to proceed with the objector's case, the Commissioners stating that it was an ordinary practice in Courts to facilitate work, unless it was prejudicial to either side. As a matter of fact, the claimant's witnesses were not required to be examined subsequently. That was the extent of the second ruling complained of, namely, that the Commissioners called the evidence of the objector, although the Counsel for the claimant stated he had further evidence which he could give. The Commissioners from the first had announced by their Rules that the mode of procedure was at their discretion.

"4.—(a.) In the hearing of a contest in claim No. 3058 the Commissioners received in evidence the papers lodged with claim No. 3064. Counsel for objector argued on some of those papers against the claim. He was then told by a Commissioner that the papers of No. 3064 were not put in, and when reminded that some of them had been already used by claimant, the Commissioner asserted that those now appealed to were forgeries. Yet those papers had been received by the Commission as evidence for the claimant."

The Commissioners were examining in a group a series of claims to a valuable piece of land. Certain deeds lodged with some of the claims were proved to be forgeries.

In the hearing of claim No. 3058, counsel for claimants put in evidence certain papers filed with claim No. 3064 (by the same claimant), but did *not* put in evidence *all* the papers lodged with claim No. 3064. Counsel for a third party interested, *not the Natives' Advocate* or "*counsel for the objector*," in reviewing the case, referred to a document lodged with claim No. 3064, which the

Commissioners had not seen, and had not considered, it not having been put in evidence. It was in Samoan, and untranslated. The opposing Counsel for claimants stated that, although it was lodged with claim No. 3064, it was a forgery, and he intended to prove it to be such on the hearing of No. 3064.

Counsel tendering the document contended that *all papers lodged with No. 3064* were in evidence. The fact that he had been away from the hearing of the case the day previous accounted for his error. He was informed that *all* the papers were not before the Commission in the hearing of 3058, but if he wished now to put it in he could do so, which he did. He was then unable to read it, much less translate it, and a translation had to be procured by the Commissioners.

“(b.) Yet those papers were received as evidence by the Commission for the claimants.”

This statement is not in accordance with the facts, for only some documents as above stated had been put in evidence. The Commission, in order to arrive at a thorough acquaintance with the history of each claim, and how the land had been obtained, had directed originally, by its Rules and forms, that *every* document, of *whatever* nature, in the possession of the claimants relating to the lands claimed should be lodged with the claim; but it did not follow that, although the claimant had obeyed that direction, he was to be bound by such document lodged by him, but could disprove it if able and requisite.

It is true that in connection with the lands affected by claim 3058, claims Nos. 165 and 166 were supported by deeds which were proved to be forged, and these claims were reported as “rejected.”

This *garbled* account of these proceedings on the day in question can be partially accounted for by the fact that the Natives' Advocate was on that day absent intentionally.

“(a.) A Commissioner has repeatedly advised Counsel for claimants to ‘leave well alone,’ and desist from putting further questions to witnesses, and has repeatedly interfered with legitimate cross-examination by the Natives' Advocate of claimants' witnesses.”

The desire of the Commissioners has been all along to proceed as rapidly as is possible consonant with justice.

In the hearing of contested cases, upon Counsel for claimants having shown a *prima facie* case, and apparently proceeding with cumulative evidence only, and admitting that the evidence about to be called was only cumulative, a Commissioner and Commissioners have said “leave well alone,” and have intimated they did not require further evidence of that description, at that stage of the proceedings at any rate.

And also the Natives' Advocate, owing to his ignorance of the value and weight of evidence, for the same reasons has been requested not to waste the time of the Commission by unimportant and irrelevant questions.

"(b.) Advantage has been taken of the inexact manner of Samoan speech and the scanty knowledge of English on the part of the half-caste interpreter to turn the answers of witnesses to the disadvantage of the native objector, and in favour of the claimant."

This is untrue.

The Commissioners secured, as they believed then and still believe, the services of the best interpreter in Samoa, who has for years past been engaged in Court work; and, although not a scholar as far as writing is concerned, has a perfect mastery of the Samoan language and customs, and is universally regarded as the ablest man for the work. Being half a native, married to a native, and living amongst natives, it is common knowledge he has no predilection in favour of aliens. His acquaintance with English is amply sufficient to convey a just and accurate description of the evidence. The Commissioners have entire confidence in him.

The Commissioners have had to complain of, and have realized all along, the want of adaptability of the Natives' Advocate for his work in all its branches. To convey an estimate of his capacity, or want of capacity, upon an inquiry which was as to the validity of a *mortgage*, where the loan was admitted, he requested the Commissioners to reject it for "want of consideration" (as "the loan was small in comparison with the value of the land") under subsection (C) of section 11 of Article IV of the Berlin Final Act.

The Commissioners remarked that *that* could not apply to a mortgage, and asked him if his contention really was that the charge upon the lands should have been of equal value to the land in question to make it valid; and that the validity of a mortgage could not be questioned, under said section of the Berlin Final Act, in consequence of the trifling nature of the amount loaned. He persisted. Such a contention as this on the part of the Natives' Advocate will appear almost incredible.

The Commissioners were unable to satisfy him and convince him wherein lay the difference between a mortgage and its attributes and the absolute conveyance by way of sale of a freehold, in connection with the "want of consideration."

The above reply, as contained in this Memorandum, to the complaints made by the "Natives' Advocate," forwarded by King Malietoa, is framed and communicated by the undersigned Commissioner, on behalf of himself and his colleagues, in accordance with an intimation agreeably contained in a despatch to him, bearing

date the 13th April, 1892, and is submitted, with the highest respect, for the consideration of the Marquess of Salisbury, K.G.

Apia, Samoa, May 25, 1892.

BAZETT M. HAGGARD, *Her Britannic Majesty's
Land Commissioner for Samoa.*

*No. 219.—Consul Cusack-Smith to the Marquess of Salisbury.—
(Received June 24.)*

MY LORD,

Samoa, May 26, 1892.

I HAVE the honour to report that the general situation is to a certain extent improved.

Public feeling among the white residents in Apia is quieter.

The old order of things has altered very much during the past year, many old residents having died or removed.

The new-comers know nothing of, and are not fettered by, old traditions, and as the old traditions are the causes of trouble in Samoa, the future looks more hopeful.

Samoa is divided into two distinct and sharply-defined spheres of action and influence—the white Municipality of Apia and the Samoan Native Government.

If the wishes, requirements, prosperity, and general welfare of the former are studied as far as is possible, instead of being obstructed by ill-advised measures, and if the white residents are kept contented and satisfied (no very difficult task), then a contented Municipality will always mean a peaceful Samoa.

When discontented, the white residents have always retaliated by stirring up intrigues, revolts, and wars among the natives.

When contented, the white residents take no interest whatever in native affairs, except commercially, and would leave the white officials a free hand in dealing with native matters.

Without the moral support of the white residents I believe that no Samoan Government can ever be successful.

Some white residents on the Privy Council of the King would be of immense value in advising with the President, and were proposed measures previously discussed, hasty and irritating action would be avoided.

It is absolutely necessary for the success of the Treaty here that the Consuls and the two white officials should be able to work hand and glove in all things until the Samoan Government becomes firmly established.

Your Lordship knows that, if possible, I should like to see the interference of the Consuls in municipal matters reduced to a minimum, to avoid friction, but as that cannot be, it is more than

ever necessary that both President and Chief Justice should meet us in a friendly, and not a hostile, spirit.

I have, &c.,

The Marquess of Salisbury.

T. B. CUSACK-SMITH.

No. 222.—Foreign Office to Consul Cusack-Smith.

SIR,

Foreign Office, June 24, 1892.

WITH reference to your despatch of the 9th December last, I am directed by the Marquess of Salisbury to inform you that an identic letter was on that date addressed by King Malietoa to the Governments of Great Britain, Germany, and the United States, requesting the assistance of their ships of war at Apia to enable the Supreme Court of Samoa to execute its warrants.

With a view to uphold the system of judicature established by the Final Act of the Conference of Berlin on Samoan affairs, the Treaty Powers are disposed, upon certain conditions, to accede to King Malietoa's appeal, and an understanding as to the procedure to be adopted in such cases has been arrived at. You will find it recorded in the inclosed Memorandum, and you will be guided by the rules there laid down in any future action which you may have to take in this matter.

You are authorized to inform the Samoan Government of the decision come to, and you should concert with your colleagues of Germany and the United States, to whom similar instructions will be sent, as to the form in which this communication should be made.

The British naval authorities in the Pacific have also received instructions which will insure their co-operation when it is required.

I am, &c.,

T. B. Cusack-Smith, Esq.

P. CURRIE.

(Inclosure.)—Memorandum.

THE intervention of ships of war will be restricted to the action required for executing the warrants of arrest issued by the Supreme Court. Such intervention is to take place only on a requisition from the Consul of the country to whom the vessel belongs, and he will make the requisition only on occasions when the Consuls of the three Treaty Powers are unanimously of opinion that such support is necessary, and request him to apply for it.

The execution of warrants for the arrest of persons other than natives should, if possible, be intrusted to a ship of war of the nationality of the person to be arrested. In other cases, any action

that may be taken in compliance with these requisitions should, as far as possible, be taken by the ships of war in turn.

It is to be borne in mind that the intervention of the ship of war in these cases should have the character of an executory measure against individuals, and should not lead to any warlike action. There will thus be antecedent reasons against the employment of ships of war in cases where the desired end cannot be attained without an expedition far into the interior.

The question whether compliance with a requisition is practicable from a military point of view is one that must be left to the discretion of the Commander of the ship of war concerned.

No. 223.—The Marquess of Salisbury to Sir E. Malet.

SIR,

Foreign Office, June 24, 1892.

THE German Chargé d'Affaires made to-day a verbal communication to the following effect:—

The Chief Justice at Apia has recently decided that, according to the provisions of the Samoan Act, the revenues from import and export duties received up to the present time for the Municipality of Apia are not due to the Municipality, but to the Samoan Government. If this decision is carried into effect, the Municipality would lose the greatest part of their revenues. The decision of the Chief Justice has, therefore, caused in the Municipality a considerable agitation, which has found its way into the European and the Australian press.

The Imperial Government are of opinion that the decision of the Chief Justice should not be maintained. The decision has been issued without giving the Municipality an opportunity to bring forward their rights; it reverses a state of law existing up till now with unanimous consent, and finally differs from the provisions of Article VI, section 3, of the Samoan Act, respecting the distribution of revenues. According to the opinion of the Imperial Government, these provisions must undoubtedly be applied to revenues from duties. It is to be added that the duties are chiefly raised from and borne by residents of the Municipality. If only for this reason it would be fair to continue to grant these revenues to the Municipality. This procedure is the more recommendable as it warrants the useful and approximate expenditure of the revenues, which, in the present state of things, cannot be expected to the same extent if they are delivered to the Samoan Government.

The Imperial Government hope that Her Majesty's Government will agree with the Imperial Government that the former state of things should be maintained, according to which the revenues from

duties belong to the Municipality. In this case it would be necessary to inform the Consuls of the unanimous opinion of the three Governments, and to instruct them to direct the President of the Municipality, in the name of the Treaty Powers, to continue to receive the duties for the Municipality. At the same time it would be necessary to inform the Chief Justice of the decision taken.

The Imperial Government think that there can be no doubt that the Treaty Powers are not bound to accept the decisions of the Chief Justice in questions of the construction of the Samoa Act. The provisions of Article III, section 4, of the Samoa Act, according to which decisions of the Supreme Court are only conclusive upon all residents of Samoa, support this view.

I am, &c.,

Sir E. Malet.

SALISBURY.

No. 230.—Mr. Maben to the Marquess of Salisbury.—(Received July 21.)

MY LORD,

Mulinuu, Samoa, June 23, 1892.

I BEG most respectfully to be allowed to address you unofficially on the matter of my taking the position of Secretary of State in the Samoan Government. I presume our Council here has reported the fact to you by the same mail that takes this. I felt that as a British subject I might be permitted to address a letter to your Lordship stating as well and shortly as I could my reasons for accepting the appointment in the present very unsettled state of the country.

It seems that the King, Chief Justice, and President of the Municipal Council had come to the conclusion that it had become necessary to appoint some one with local knowledge to administer the internal affairs of the country, and their choice fell upon me. I felt considerable hesitation in accepting the position offered me, because I saw that the time had gone past when a vigorous administrative policy might have welded the different factions in Samoa, and caused the laws to be obeyed and the taxes paid by all the people in these islands. On the other hand, I thought that as I had held the position of Surveyor-General for some time past I might accept the new appointment in addition to the one I already held, and if I could succeed in bringing about a better state of affairs, well and good; if I failed, well, the country would be in no worse position than it was when I took office.

I am very anxious to make this clear to your Lordship, that the office was not of my seeking, and that I am not at all sanguine that I can now effect much improvement in the condition of the country, because I think the opportunity for vigorous action was lost at the

time the Chief Justice arrived here. Had the whole machinery of government been organized and carried into effect then, I feel sure that the Mataafa opposition would not now be in existence. At that time the Samoans fully believed that the provisions of the Berlin Final Act would be strictly enforced by the three Great Powers if necessary. Now they have a different opinion, and they feel that with a strong faction in opposition to the Government they can set the law at defiance. To attempt to enforce the payment of taxes from the opposition party without the aid of outside pressure would, I feel certain, lead to civil war. This the Government are trying all they can to avoid by not taking aggressive action.

The last year's taxes are over three months due, and the attempt is only now being made to collect them. The people are naturally averse to paying taxes, and if by joining the faction opposed to the Government they can secure exemption they are very likely to take that course.

I will not trouble your Lordship with any further details, as I have no doubt you are kept well informed from here.

My only object in writing is to place the facts in connection with my appointment before your Lordship, so that you may judge of the circumstances surrounding the position at the present time.

I have, &c.,

The Marquess of Salisbury.

THOS. MABEN.

No. 231.—The Marquess of Salisbury to Count Hatzfeldt.

M. L'AMBASSADEUR,

Foreign Office, July 21, 1892.

HER Majesty's Government have had under their consideration, in consultation with the Law Officers of the Crown, Count Metternich's note of the 18th ultimo respecting the decision recently given by the Samoan Land Commission upon the construction of section 8, Article IV, of the Final Act of the Conference on Samoan affairs.

Count Metternich stated that the American Government have put forward a fresh proposal in the matter which meets with the approval of the German Government, and which the latter desired to submit for the concurrence of Her Majesty's Government.

It was to the effect that identic instructions should be issued to the Consuls of the three Powers at Apia, directing them to inform the Chief Justice of Samoa that the Treaty Powers consider the above-mentioned decision of the Land Commissioners to be correct.

Her Majesty's Government are advised that the correctness of the decision of the Land Commission is open, at any rate, to considerable doubt. The words "without prejudice to rights of third

parties"—which form part of the section—appear to be intended to preserve the rights of persons who claim to have been entitled to the lands, as against the vendors: the title of the vendor and the sufficiency of the price not being matters with which the Commission is entitled to deal in cases where the sale took place before the 28th August, 1879.

But their legal advisers have not considered it necessary to express a decided opinion upon this question, as it is one which must eventually be considered, and can only be actually decided, by the Chief Justice sitting in his judicial capacity.

Her Majesty's Government are advised that the course proposed for their concurrence by the German Government is not one which they can properly adopt.

The Chief Justice is an independent judicial officer appointed under Treaty provisions, and it cannot be supposed that he would allow himself to be influenced in the interpretation of that Treaty by the views of any Governments as to the advantage, as matter of policy, of a particular construction.

I have, &c.,

Count Hatzfeldt.

SALISBURY.

No. 233.—Count Hatzfeldt to the Marquess of Salisbury.—(Received July 22.)

(Translation.)

MY LORD,

German Embassy, London, July 20, 1892.

THE British Ambassador at Berlin, by instructions from his Government, communicated in a note dated the 29th ultimo an extract from a Report from the British Consul at Samoa dated the 26th May. The British Representative is of opinion that the establishment and preservation of order in Samoa requires that the Administration of the country should make it their first consideration to protect and advance the interests of the foreign settlers and merchants. Consul Cusack-Smith considers it necessary that the two European officials in the Administration, the Chief Justice and the President of the Municipal Council, should keep more in touch with the Consuls of the Treaty Powers, in order to join in their efforts to arrive at the above-mentioned object.

I am directed to express to your Lordship the thanks of the Imperial Government for this communication, of which they have taken note with all the more interest inasmuch as they consider the views of the British Consul to be absolutely correct, and have been guided by these considerations in all the proposals they have had to make owing to events in Samoa; the latter is particularly true in the case of the position taken up by them in the question of the division of the import duties between the Municipality and the Samoan

Government. In the face of this case the Imperial Government are forced to the conclusion that both the Chief Justice of Samoa and the President of the Municipal Council do not always in their measures give enough consideration to the interests of the white population, but are inclined, on the contrary, to subordinate them to those of the natives. Your Lordship has doubtless come to the same conclusion, and the question arises whether it would not be advisable to make a communication to the President of the Municipal Council in the sense of the views expressed in the British Consul's Report, and to combine this communication with the answer to be sent to Baron Senft in reply to his request to be allowed to resign.

In accordance with my instructions I have to request your Lordship to let me have an expression of your views on the subject, and I beg leave at the same time to inform your Lordship that a similar inquiry has been made by the Imperial Government at Washington.

I have, &c.,

The Marquess of Salisbury.

v. HATZFELDT.

No. 234.—Foreign Office to Mr. Maben.

SIR,

Foreign Office, July 23, 1892.

I AM directed by the Marquess of Salisbury to acknowledge, with thanks, the receipt of your communication of the 23rd ultimo respecting your appointment as Secretary of State in the Samoan Government.

I am, &c.,

T. Maben, Esq.

T. H. SANDERSON.

No. 236.—The Marquess of Salisbury to Count Hatzfeldt.

M. L'AMBASSADEUR,

Foreign Office, August 12, 1892.

HER Majesty's Government have carefully considered, in communication with the Law Advisers of the Crown, the verbal communication made by Count Metternich on the 24th June last, explaining the views of the German Government on the difference of opinion which has arisen as to the apportionment of the import and export duties in Samoa, leviable under the provisions of Article VI of the Final Act of the Berlin Conference on the affairs of Samoa.

The matter at issue appears to resolve itself into a question as to the merits and validity of a decision given by the Chief Justice of Samoa on the 28th March last, by which these duties were assigned to the use of the Samoan Government. That decision is contested by the Municipal Council of Apia, who lay claim to the dues, and have formally appealed to the Treaty Powers for a determination of

the points in dispute, and in the meanwhile a temporary compromise has been effected through the intervention of the Consular Board.

As matters at present stand, it seems clear that if the Samoan Government are deprived of the duties, they will be practically bankrupt, and unable to carry on the Administration, since it appears to be generally admitted that the capitation tax cannot be collected; whilst, on the other hand, the Municipality will be reduced to the same position if the duties are withdrawn from them.

The German Government state that in their opinion the decision of the Chief Justice should not be maintained, and they express a hope that Her Majesty's Government will concur in this view, in which event they propose that the three Treaty Powers should overrule the decision in question, and instruct their Consuls to direct the Municipal President to receive and apply the import and export duties on account of the Municipality.

Her Majesty's Government are advised that the decision of the Chief Justice is not in accordance with the provisions of the Final Act.

If the two parties, *i.e.*, the Municipal Council and the Representatives of the Government, had submitted the question to the decision of the Chief Justice under section 4 of Article III, it would, in the opinion of Her Majesty's Government, have been within his competence to adjudicate upon it, and his decision would have been binding upon all parties; but in their judgment, having regard to what had taken place under the Final Act and the system of administration actually in force thereunder, it was not competent to the Chief Justice to make, as he did in this case, a declaration as to the rights of the parties under section 3 of Article VI of the Final Act, upon an informal reference, and without the matter being properly argued before him.

In the opinion of Her Majesty's Government the view taken by the German Government is correct, and assuming the Treaty Powers to be unanimous, they may, under the circumstances, decline to accept the decision of the Chief Justice; but in the event of their being any difference of opinion between them and Samoa, and of the question being referred to the Chief Justice under section 7 of Article III, his decision, whatever it might be, upon such a reference, would apparently be binding upon all the Powers.

As respects the actual merits of the decision itself, apart from its informality, Her Majesty's Government are advised that the language of section 3 of the Final Act is ambiguous, and that it would be well that a clear and explicit distribution of the duties, taxes, and charges between the Samoan Government and the Municipality of Apia should be made.

Her Majesty's Government are not without hope that the contending parties may still be able to arrive at a common understanding upon this point which shall be alike satisfactory to themselves and to the Treaty Powers.

I have, &c.,

Count Hatzfeldt.

SALISBURY.

No. 237.—The Marquess of Salisbury to Count Hatzfeldt.

SIR,

Foreign Office, August 12, 1892.

WITH reference to my previous note of to-day's date, I have the honour to acknowledge the receipt of your Excellency's note of the 20th ultimo, proposing that the three Treaty Powers should make an identic communication to the President of the Municipal Council of Apia, in the sense of the views expressed by Mr. Consul Cusack-Smith in his despatch of the 25th May last.

In reply, I have to state that Her Majesty's Government concur generally in Consul Cusack-Smith's recommendations.

They cannot go so far as to say that the Samoan Administration should make it their first duty to protect and advance the interests of the foreign settlers; they think rather that equal and impartial consideration should be given to the interests of both whites and natives alike, but they quite recognize the importance of cordial co-operation between the Chief Justice, the Municipal President, and the Consular Body, and of the adoption by the two former of a more conciliatory attitude towards the foreign Colony.

Her Majesty's Government further agree that the resignation of Baron Senfft von Pilsach should not be accepted.

I should be glad to learn how your Government propose that the views of the three Treaty Powers should be conveyed to the Chief Justice and Municipal President.

I have, &c.,

Count Hatzfeldt.

SALISBURY.

No. 239.—Count Hatzfeldt to the Marquess of Salisbury.—(Received August 17.)

(Translation.)

MY LORD,

German Embassy, London, August 14, 1892.

As your Excellency is doubtless aware, the Samoa Treaty provides that land claims put forward by foreigners shall be brought before the Land Commission established at Apia to be examined and eventually registered. It appears from a Fee-table issued by the Chief Justice of Samoa that he contemplates levying a fee of 5 dollars on the registration of each single land title, the proceeds of

which fee will go to Dr. Hagberg, a Swedish subject who has been appointed by the Chief Justice to be Registrar, and who is at the same time Clerk to the Court. Some 3,000 land titles will, on a rough estimate, have to be registered. This number would give Dr. Hagberg 15,000 dollars. But such a sum represents a heavy burden on all foreign landed interests, especially on such persons as hold several parcels of land; the latter class would, in certain particular cases, have to pay very considerable sums. The Plantations Company, for instance, has put in 1,198 claims; Harris and MacFarlane, an English firm, 460, &c. If 1,000 and 400 of these claims are respectively recognized as valid, the firms named would have to pay 21,000 and 8,400 marks respectively.

The registration fee will press still more and still more unjustly on the holders of several small parcels of land than on the large land-holders. The want of any proper relation between the value of the land and the amount of the fee is in such cases still more apparent, for in particular cases the fee would exceed 10 per cent. of the value. Plots of ground outside Apia, which are often the only property of their owners, not seldom yield little or nothing beyond the small amount of produce on which the owners live, and they will in many cases be quite unable to pay the heavy fees without mortgaging their land.

According to the view of the Imperial Government, the Chief Justice has no power to impose such a tax on foreigners of his own authority. Article VI, section 2, D. 2, of the Samoa Treaty provides that a tax of $\frac{1}{2}$ per cent. shall be levied "upon deeds of real estate, to be paid before registration thereof can be made." It is to be assumed that with such payment the liability of foreign land-owners on account of registration will terminate. According to Article VI, section 2, further charges beyond the $\frac{1}{2}$ per cent. may not be imposed unless with the concurrence of the Consuls of the three Treaty Powers. Such concurrence has as yet neither been sought nor given, and, in view of the disproportionately high figure of the fee, would hardly be obtained.

The Imperial Government is unable for the present to recognize the fee imposed by the Chief Justice of his own authority on foreign land-owners as binding in law, and is of opinion that this course is not contrary to Article III, section 1, of the Samoa Treaty, which provides that suitable fees may be allowed to the Clerk and to the Marshal of the Court.

The Chief Justice may fix the amount of such fees, but, so long as the Consuls have not concurred in them, such fees may not be a charge on foreign land-owners; they should rather be defrayed by the Samoan Government, who can, in the circumstances supposed, deduct them from the $\frac{1}{2}$ per cent. tax. The Imperial Government

proposes to instruct the Consul at Apia in this sense; but before taking further action they would be glad to receive information as to the view taken by Her Britannic Majesty's Government, and as to whether that Government would be prepared to issue similar instructions to their Representative at Apia, in order that foreign settlers in Samoa may be protected by common action against the considerable and unjustifiable injury which would be caused by the measure taken by the Chief Justice to the profit of an official of his own appointing.

Under the instructions which I have received, I have the honour to bring the above to your Excellency's knowledge, and to ask for an expression of the opinion of Her Britannic Majesty's Government on this matter, and also whether your Excellency would be inclined to give to the English Representative at Apia instructions similar to those which the Imperial Government proposes to send to their Consul.

I have, &c.,

The Marquess of Salisbury.

P. HATZFELDT.

No. 247.—Sir E. Malet to the Earl of Rosebery.—(Received September 1.)

MY LORD,

Berlin, August 30, 1892.

I HAVE the honour to inform your Lordship that the "Reichs Anzeiger" of yesterday evening published a telegram from Washington, dated the 27th August, announcing that the German, English, and American Governments have now severally empowered their Consuls in Samoa to request the assistance of the ships of war stationed in those waters to enable the Supreme Court in Apia to enforce the execution of its warrants, on the understanding that the rendering of such assistance shall not lead to any warlike action.

I have, &c.,

(In the absence of Sir E. Malet),

The Earl of Rosebery.

P. LE POER TRENCH.

No. 250.—Foreign Office to Consul Cusack-Smith.

SIR,

Foreign Office, September 2, 1892.

WITH reference to previous correspondence respecting the currency question in Samoa, I am directed by the Earl of Rosebery to transmit to you herewith a copy of a despatch from Her Majesty's Chargé d'Affaires at Washington, from which it appears that the United States' Government take exception to an order issued by Baron Senfft von Pilsach on the 14th July, fixing the rate of exchange at which the English pound sterling and the 20-mark gold

piece are to be received at 5 dollars United States' currency instead of at 4 dol. 76 c.

You should endeavour, in concert with your German and United States' colleagues, to effect with the President of the Municipal Council a speedy and amicable settlement of the point in dispute.

For your more complete information, I am to inclose a copy of a despatch from Her Majesty's Minister at Washington on this subject which was received in April last.

I am, &c.,

T. B. Cusack-Smith, Esq.

P. CURRIE.

No. 255.—The Earl of Rosebery to Count Hatzfeldt.

M. L'AMBASSADEUR,

Foreign Office, September 13, 1892.

HER Majesty's Government have given their attentive consideration to your Excellency's note of the 14th ultimo, stating the objections entertained by the German Government to a fee for the registration of land titles which has been imposed by the Chief Justice of Samoa, under an Ordinance entitled "The Real Property Ordinance, 1891," and asking for the views of Her Majesty's Government upon the subject.

Her Majesty's Government are advised by the Law Officers of the Crown, to whom your note was referred, that the issue of this Ordinance by the Chief Justice was *ultra vires*, and they have instructed the British Consul at Samoa in this sense.

It seems desirable that a collective communication should be made by the Consuls of the three Treaty Powers to the Chief Justice, and Mr. Cusack-Smith will be authorized to take part in it as soon as your Government have arranged with the United States' Government for the co-operation of their Consul.

I have, &c.,

Count Hatzfeldt.

ROSEBERY.

No. 260.—Foreign Office to Consul Cusack-Smith.

SIR,

Foreign Office, September 13, 1892.

LORD ROSEBERY is informed by the German Government that it is the intention of the Chief Justice of Samoa to make the registration of land titles dependent on a previous survey to be made at the cost of the party interested.

The German Government consider this proceeding to be unwarranted by the provisions of the Final Act, and they are of opinion that it is unnecessary in itself, as well as calculated to entail

undesirable delay, and to throw disproportionate expense on the persons concerned.

The German Consul at Apia will accordingly be instructed to inform the Chief Justice that the German Government must withhold their sanction from the measure.

Her Majesty's Government concur in the views of the German Government upon this point, and I am to instruct you to act in concert with your German colleague in any communication which it may be necessary to make to the Chief Justice if he should move further in the matter.

I am, &c.,

T. B. Cusack-Smith, Esq.

P. CURRIE.

*No. 263.—Consul Cusack-Smith to the Marquess of Salisbury.—
(Received September 15.)*

MY LORD,

Samoa, August 3, 1892.

THE "Samoa Times," the only newspaper in Samoa, has up till recently consistently offered an outspoken, if somewhat violent, opposition to the Samoan Government and to all officials in Samoa, especially the Chief Justice and President.

I have now the honour to report that in April last Mr. Cusack, the proprietor and editor of the paper, after a series of bitter attacks upon the President's administration, suddenly and mysteriously sold the paper, and the nominal purchaser was Mr. Chatfield, a notoriously impecunious British subject.

The price paid was 650*l.* in cash, and rumours were rife that the money had been advanced or paid out of Samoan Government funds in an irregular manner. But the matter was never cleared up.

Owing to some legal proceedings against Mr. Chatfield brought before me as Deputy Commissioner for the Western Pacific, the President of the Municipal Council was obliged to inform me that he had purchased the "Samoa Times" with Government funds.

This step, taken secretly, appears indefensible, for the Samoan Government was then actually using its last remaining funds, and the President himself had appealed to the Treaty Powers to rehabilitate the exhausted Treasury of the Samoan Government.

Up to the time of the purchase of the newspaper the President had, under section 5, Article V, of the Berlin Final Act, furnished the Consuls with copies of the Quarterly Government Accounts, but we have seen none later than the 31st December, 1891, which reached us in March 1892, and the President has stated that he no longer intends to permit the Consuls to inspect his financial

Reports to the King. He is not bound to do so, but if no person but the King is to see these Reports, and of which the King cannot understand one word, the last vestige of a check upon ill-advised expenditure is removed.

Since its purchase by the Samoan Government the "Samoa Times" has been a feebly-conducted supporter of the Government.

Having expended 650*l.* in the purchase of the paper, the Government are starting, at additional cost, a Royal Gazette, in which all Government advertisements, hitherto the mainstay of the "Samoa Times," will for the future appear, thereby reducing the selling value of the "Samoa Times" from 650*l.* to about 200*l.*, a loss of 450*l.* to the Samoan Government, which is not a very brilliant financial operation.

The Samoan Government, despite its seizure of the funds of the Municipality, is almost bankrupt, and even if the Treaty Powers grant to it extra funds, without less prodigal and unbusinesslike management the finance of the Samoan Government has no prospect of giving anything but continual trouble to the Treaty Powers.

As reported in my despatch of the 10th September, 1891, an unnecessary gaol and an unnecessary dwelling-house for the President and his wife at a combined cost of about 2,000*l.*, the "Samoa Times" costing 650*l.*, and a mail subsidy to the ocean steamers amounting to 300*l.*, are almost all that the President has to show for all the funds which have been at his disposal.

It is a painful comment upon the purchase of the "Samoa Times" that the ocean mail-steamers, which have not unreasonably demanded a total yearly subsidy of 600*l.* for continuing the priceless service of calling twice a-month at Apia, and making a stay of over four hours each trip, have been informed by the President that he will not increase the subsidy, and Samoa is threatened with the immediate cessation of the mail service.

It is disheartening to see the ample funds of the Samoan Government provided by the Berlin Final Act frittered away in channels that benefit neither Samoans nor Whites.

As was to be foreseen, a rival paper will shortly be started which will completely ruin in a few months the "Samoa Times," and the whole of the 650*l.* expended on its purchase will be irretrievably lost.

I have, &c.,

The Marquess of Salisbury.

T. B. CUSACK-SMITH.

No. 264.—*Consul Cusack-Smith to the Marquess of Salisbury.*—
(Received September 15.)

MY LORD,

Samoa, August 11, 1892.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch of the 24th June, 1892, instructing me to join my colleagues in conveying the reply of the Treaty Powers to King Malietoa's request for the assistance of their ships of war.

I have to report that yesterday the Consuls waited upon the King, and handed to him the inclosed Memorandum both in Samoan and English.

The King expressed entire satisfaction, and publicly thanked us for all our efforts for the good of Samoa on this and many other occasions.

I have, &c.,

The Marquess of Salisbury.

T. B. CUSACK-SMITH.

(Inclosure.)—*Memorandum.*

Afioga!

Samoa, August 10, 1892.

WITH reference to your identic letter to the Treaty Powers, dated the 9th December last, requesting the assistance of their ships of war at Apia to enable the Supreme Court of Samoa to execute its warrants, we, the Consular Representatives in Samoa of the Treaty Powers, have the honour to inform you that, with a view to uphold the system of judicature established by the Final Act of the Conference of Berlin on Samoan affairs, the Treaty Powers are disposed upon certain conditions to accede to your appeal. The intervention of ships of war will be restricted to the action required for executing the warrants of arrest issued by the Supreme Court. Such intervention is to take place only on a requisition from the Consul of the country to which the vessel belongs, and he will make the requisition only on occasions when the Consuls of the three Powers are unanimously of opinion that such support is necessary, and request him to apply for it.

It is to be borne in mind that the intervention of the ships of war in these cases should have the character of an executory measure against individuals, and should not lead to any warlike action.

Under these instructions, we would suggest that when a request is made for the assistance of a ship of war it should be made by an identic note to the three Consuls.

We have, &c.

T. B. CUSACK-SMITH, *Her Britannic Majesty's Consul.*
BIERMANN, *Imperial German Consul.*

W. BLACKLOCK, *Vice-Consul-General for the United States of America.*

*No. 265.—Consul Cusack-Smith to the Marquess of Salisbury.—
(Received September 15.)*

MY LORD,

Samoa, August 16, 1892.

I HAVE the honour to report that Baron Senfft von Pilsach, in a letter dated the 23rd December, 1891, copy inclosed, to the then acting Chairman of the Municipal Council, refused to carry out a Resolution of the Council ordering the withdrawal of the moneys deposited by the President in his own name in a bank in Sydney. The position he assumed was an extraordinary one. After stating that, in his opinion, there was only one Treasury common both to the Samoan Government and the Municipality, instead of a distinct Treasury for each, he proceeds :

“Neither the Samoan Government are entitled to interfere in the same, the Treasury containing moneys held for the use of the Municipal Council of Apia, nor the Municipal Council, considering that the Treasury comprises moneys to be used by the Samoan Government.”

Having shaken off all control or interference, he admits that “the Treasurer is subject to the orders of payment made by the Council, but not to any instructions concerning the administration of the Treasurer.”

He further tells the Municipal Council, “You will find that even the Treasurer’s Quarterly Reports must show his receipts and disbursements, but not his administrative measures.”

A profound feeling of dissatisfaction and uneasiness was aroused on this notification that the Municipal balance was not to be kept separate, and that it might entirely be swallowed up, except on paper, at any time by the requirements of the Samoan Government.

On appeal to the Chief Justice, in a lengthy judgment he decided that Baron Senfft von Pilsach “was justified in refusing to accept the instructions of the Municipal Council.”

Here the matter might have rested, but that this week the inclosed Report of the Municipal Auditors has been laid before the Consular Board.

It states that “there should have been on the 31st March, 1892, a balance of 572*l.*,” but that the Auditors were unable to certify to the correctness of the cash, as “they were not allowed to check it.”

There is no bank in Samoa, and the only way in which public confidence can be maintained is by verifying the cash balances at every audit.

The financial administration of the funds of the Municipal

Council and of the Samoan Government should be kept quite distinct, and nothing done to raise unnecessary distrust.

I have, &c.,

The Marquess of Salisbury.

T. B. CUSACK-SMITH.

(Inclosure 1.)—*Baron Senfft von Pilsach to the Municipal Council, Apia.*

GENTLEMEN,

Apia, Samoa, December 23, 1891.

I HAVE the honour to acknowledge receipt of your letter dated the 11th instant, through which you notify to me a Resolution passed by the Municipal Council of Apia on the 25th November, and approved by the Consular Board, saying that the Treasurer be instructed to withdraw the municipal moneys from the Union Bank, Sydney, as soon as the terms of deposit have expired, and to deposit the same in United States' gold in the Municipal Treasury in Apia.

In reply, I beg to state that in passing this Resolution the Municipal Council have transgressed their competency, as it is laid down in Article V, section 3, of the Berlin General Act. According to this Article, there exists neither a special Treasurer nor a special Treasury of the Municipal Council of Apia. All the revenues accruing under the provisions of this Act (see Article V, section 5, 4th clause) are paid into the Treasury (Article VI, section 3), the administration of which is intrusted to one Treasurer to be appointed not by the Municipal Council but by the Samoan Government upon the previous agreement of the Signatory Powers. A Municipal Treasury does not exist but in the ledgers and accounts of the Treasury.

The Treaty having thus constituted one Treasury comprising the whole of the Samoan revenue, apparently its Administrator must be guided also on one way.

Neither the Samoan Government are entitled to interfere in the same, the Treasury containing moneys held for the use of the Municipal Council of Apia, nor the Municipal Council, considering that the Treasury comprises moneys to be used by the Samoan Government.

The Treasurer is subject to the orders of payment made by the Council, but not to any instructions concerning the administration of the Treasurer. You will find that even his Quarterly Reports must show his receipts and disbursements, but not his administrative measures, although the matter of the Resolution which you have forwarded to me has been under my consideration before I received your communication.

Yet I must refuse to accept such instructions, the formal want

of which I have stated is not the only reason for my doing so, as the respective Resolution does not explain the practical reasons which have led the Council to pass the same. I am unable to examine those reasons. In omitting such explanation the Council have failed to understand my position.

Being the only custodian of the public moneys, I am not allowed to carry out any instructions or to follow any recommendation without having convinced myself of its expediency.

I shall be obliged if you kindly will communicate these remarks to the Municipal Council of Apia.

I have, &c.,

FREIHERR SENFFT VON PILSACH.

(Inclosure 2.)—*Newspaper Extract.*

THE PRESIDENT'S POWER AS TREASURER.

Decision of the Chief Justice.

THIS is a matter in controversy between the Municipal Council of Apia and the President, Baron Senfft von Pilsach, as receiver and custodian of the Samoan revenue. In a meeting held on the 25th November, 1891, the Municipal Council passed the following Resolution, viz. —

“That the Treasurer be instructed to withdraw the municipal moneys from the Union Bank of Australia, Sydney, as soon as the terms of deposit have expired, and to deposit the same in United States' gold in the Municipal Treasury.”

The Consular Board notified their approval in a communication dated the 4th December, 1891. This instruction having been duly notified to Baron Senfft von Pilsach by letter dated the 11th December, 1891, written by the Chairman *pro tem.*, Baron von Pilsach refused, by letter dated the 23rd December, to accept the instructions in question. In a meeting held on the 30th December the Council resolved to refer the matter to this Court for settlement.

From the written statement of the parties I learn, concerning the matter in dispute, that the President asserts that the Municipal Council, in passing the first Resolution, exceeded the powers conferred upon it by the Berlin General Act, whereas the Council maintains that it had the right to give the instructions in question, and that the Resolution in question is regular and valid, and strictly within the powers of the Council under the Berlin General Act, and that, in disobeying the instructions of the Council in this matter, the President has exceeded his powers and contravened

both the wording and the spirit of the Act. The point at issue is thus this : Was the President of the Municipal Council of Apia, as Treasurer of the Samoan revenue, justified in refusing to accept the instructions of the Municipal Council ?

In dealing with the question I have not failed to observe that the said Resolution of the 25th November, 1891, has been passed in the regular way, and is formally valid. This, however, is not the only matter to be considered in deciding the question now before me. There is no doubt that the President is not only entitled, but bound, to omit the carrying out of any Resolution, though formally valid, if the tenour of such Resolution be in conflict with the provisions or the spirit of the Berlin General Act. It therefore also has to be considered whether or not such is the case with the Resolution in question. In this respect section 5, Article V, of the Berlin General Act provides that the President shall be the receiver and custodian of the revenue accruing under the provisions of the Act. In this capacity he may, under the same section, receive and act under the joint instructions of the three Treaty Powers, but besides the instructions which may be given him in such way his instructions are contained in the General Act itself, and Articles V and VI contain provisions concerning his duties in his aforesaid capacity. We shall be guided by those provisions, and by the spirit of the General Act, and there is nothing in the spirit nor in the provisions that imposes upon him the duty of obeying any instructions of the Municipal Council in the administration thus intrusted to him. That, as the Municipal Council points out, the authority to give such instructions is exercised by other local bodies as against their Treasurers has no bearing upon the matter in question, since the position of such Treasurers is not to be compared to the position of the President as custodian of the revenue of this kingdom. Moreover, the analogy derived from the powers of local bodies in foreign countries of the highest civilization and culture is not applicable to the local circumstances of this country, the requirements of which always must be guided in the interpretation of laws as far as such interpretation can be constructive. I therefore decide that the said Resolution of the 25th November, 1891, is void as in conflict with the Berlin General Act, and that the President, Baron Senfft von Pilsach, was justified in refusing to accept the instructions of the Municipal Council.

The Municipal Council shall pay the costs in this matter.

C. CEDERCRANTZ.

(Inclosure 3.)—*Messrs. Trood and Aspinall to the Municipal Council, Apia.*

GENTLEMEN,

Apia, Samoa, June 20, 1892.

IN conformity with your instructions contained in letter of the 9th May, we have audited the accounts of the Municipal Council up to the 31st March last. We have examined the vouchers, compared them with the books, and find the figures correct, showing that on the 31st March there should have been a cash balance on hand of 2,880 dol. 22 c., as per balance-sheet submitted to us.

As intimated to you in ours of the 30th March, we are unable to certify to the correctness of the cash, as we were not allowed to check it. With regard to the statement (signed by the President) of moneys transferred from the Municipality to the Government, and referred to in yours of the 9th May, we have simply taken it as any other voucher, as we did not deem it our province to enter into the items.

We notice a marked improvement in the book-keeping from the commencement of the year; previous to that they were confusing to any stranger taking them in hand.

We would suggest that auditors be appointed for a term, and that they have access to the books at any time, as is the usual custom with public bodies; this would greatly simplify the matter for the Auditors, as they could then keep in touch with the work throughout, and the Council would receive their audits whenever required.

We are, &c.,

THOMAS TROOD.

R. P. ASPINALL.

No. 270.—The Earl of Rosebery to Mr. Trench.

SIR,

Foreign Office, October 5, 1892.

COUNT HATZFELDT informed me to-day that, in view of the disturbed state of affairs in Samoa, the German Government were anxious to send two ships of war to that island in order to take measures for the protection of life and property. His Excellency added that the United States' Government had raised objections when this was proposed some time ago, and he asked what my views were.

I replied that I had no objection in principle, though I should be glad to learn what were the exact measures that it was proposed to adopt. I promised, however, to sound the United States' Government on the subject and to recommend their acquiescence, as it

was desirable that the three Treaty Powers should act in strict concert.

I am, &c.,

Hon. P. Trench.

ROSEBERY.

No. 271.—The Earl of Rosebery to Mr. Herbert.

(Telegraphic.)

Foreign Office, October 6, 1892.

THE German Government are desirous of sending one or two men-of-war to Samoa for the protection of life and property, in view of the disturbed condition of affairs there.

Communicate this proposal to the United States' Government, and say that I see no objection in principle and recommend acquiescence, as it is desirable that the Treaty Powers should maintain strict concert.

No. 272.—The Earl of Rosebery to Consul Cusack-Smith.

(Telegraphic.)

Foreign Office, October 6, 1892.

THE German Government concur in the opinion of their Consul at Samoa that, in the present disturbed condition of affairs there, the armed intervention of the Treaty Powers is required in order to restore order.

Do you hold a similar opinion?

No. 276.—Mr. Herbert to the Earl of Rosebery.—(Received October 10.)

MY LORD,

Washington, September 29, 1892

I HAVE the honour to inform your Lordship that I addressed a note to the United States' Government in the sense of your Lordship's despatch of the 2nd instant in regard to the currency question in Samoa, and I have now received a note from Mr. Foster in reply, copy of which I have the honour to inclose herewith.

Mr. Foster states in his communication that he had supposed that an understanding had been reached by which the 20-mark gold piece was to be received as the equivalent of 4 dol. 76 c., and he expresses the hope that Her Majesty's Government will co-operate with that of the United States in securing the observance of the Treaty which establishes the coin of the United States as the unit of value in Samoa, and permits other coin to be taken at its equivalent value only.

I have, &c.,

The Earl of Rosebery.

MICHAEL H. HERBERT

(*Inclosure.*)—*Mr. Foster to Mr. Herbert.*

SIR, *Department of State, Washington, September 28, 1892.*

I HAVE the honour to acknowledge the receipt of your note of the 19th instant in reply to Mr. Adeë's note of the 15th August, in which you inform me that Her British Majesty's Consul at Apia "has been instructed to endeavour, in concert with his German and United States' colleagues, to effect with the President of the Municipal Council a speedy and amicable settlement of the question which has been raised as to whether the pound sterling and the 20-mark gold piece should be received as the equivalent of 4 dol. 76 c., or 5 dollars United States currency."

The Government of the United States had supposed that an understanding upon this subject with reference to the 20-mark gold piece was reached at this Department with the German Chargé in March last, by which it was to be received as the equivalent of 4 dol. 76 c. It was upon the basis of such an understanding that this Government instructed its Consul to co-operate with his German and British colleagues in favour of the admission of German coin in Samoa.

It is well understood that the 20-mark gold piece and the pound sterling are not, nor were they intended to be, the equivalent of 5 dollars; nor is either the equivalent of the other. To arbitrarily declare them such is an entire disregard of the fact, and in contravention of the terms of the Treaty. Section 4 of Article VI clearly forbids the reception of other currencies at more than their equivalent in "the standard money of the United States of America."

Baron Senfft von Pilsach not only receives the pound sterling and the 20-mark gold piece at more than their equivalent value, but his action goes to the extent of substantially making them units of value, which the Treaty equally precludes. The Consular Board and the Municipal Council in August 1891 agreed upon a basis of exchange which represents substantially the exchange value of these coins. It made the pound sterling the equivalent of 4 dol. 86 c., and the 20-mark gold piece the equivalent of 4 dol. 76 c. Their equivalent values, according to the regulations of the Treasury of this Government, are for pound sterling 4.8665 dollars, and for the 20-mark gold piece 4 dol. 76 c. It is reported that many of the merchants at Apia receive the 20-mark gold piece at 4 dol. 75 c., and pay it into the Treasury for duties at 5 dollars.

I hope that the Government of Her Majesty will be pleased to co-operate with the Government of the United States in securing an observance of the Treaty in this regard, which plainly establishes

the coin of the United States as the unit of value in Samoa, and permits other coin to be taken at their equivalent value only.

I have, &c.,

Hon. M. Herbert.

JOHN W. FOSTER.

*No. 277.—Consul Cusack-Smith to the Marquess of Salisbury.—
(Received October 12.)*

MY LORD,

Samoa, September 13, 1892.

I HAVE the honour to report that while Her Majesty's ship *Curaçoa* was in harbour at Apia, the Government of Samoa, in accordance with the Memorandum delivered by the Consular Representatives of the Treaty Powers to King Malietoa on the 10th August, and reported in my despatch of the 11th August, made a request for the assistance of a war-ship to execute warrants of arrest at Malé, the camp of the rebel Chief Mataafa.

As from the report of the Marshal of the Supreme Court the arrests would not assume the nature of an executory measure against individuals, but would lead to warlike operations against an organized resistance, the Consuls were unanimous in deciding that this was not a case in which the assistance of a war-ship of the Treaty Powers ought to be granted under their instructions, and we replied accordingly.

I have, &c.,

The Marquess of Salisbury.

T. B. CUSACK-SMITH.

*No. 278.—Consul Cusack-Smith to the Marquess of Salisbury.—
(Received October 12.)*

(Extract.)

Samoa, September 13, 1892.

WITH further references to my despatches of the 3rd and 16th August, in which I gave some account of the administration by Baron Senfft von Pilsach of the funds of the Samoan Government and of the Municipality, I have now the honour to report that both the Government and Municipality are now absolutely without funds.

The various officials are unable to draw their salaries, and there is no money even to pay the police.

An order of the King's upon the Treasury to pay for a boat amounting to 100*l.* has been returned by the President, who states that there is no money in the Treasury.

This undignified state of things could have been entirely avoided by any one possessing a knowledge of finance, and a determination to avoid building out of the Government funds a dwelling-house for himself, an extensive gaol which has never been used, and purchasing

the local newspaper to stifle its attacks upon his financial administration.

So long as the present Chief Justice and Municipal President are retained in office by the Treaty Powers, so long, I fear, will the administration of the Berlin Treaty be the complete failure which is patent to every one in Samoa.

The present financial deadlock will in no way be remedied by any readjustment of taxation and revenue between the Samoan Government and the Municipality, for neither have any funds; the former is in debt, the latter absolutely and hopelessly insolvent unless its revenues are restored to it.

Nothing but a resolute determination to collect the native taxes, and a firm, careful, and popular administration of the revenues of the Samoan Government can hope to mend matters, and it will take not months, but years. Every month that passes now without a change, or an inquiry into the requirements of the situation being made, makes the outlook gloomier.

The Marquess of Salisbury.

T. B. CUSACK-SMITH.

No. 281.—The Earl of Rosebery to Mr. Trench.

SIR,

Foreign Office, October 14, 1892.

M. JENISCH called at this Department to-day on behalf of Count Hatzfeldt, who was indisposed, and inquired whether Her Majesty's Chargé d'Affaires at Washington had been instructed to recommend to the United States' Government the acceptance of the German proposal that each of the three Powers should dispatch two ships of war to Samoa for the protection of life and property. Count Hatzfeldt had understood from me that I was ready to recommend the proposal, but the note which he had subsequently received from me left the matter somewhat in doubt.

M. Jenisch was informed that Mr. Herbert had been directed to state that I saw no objection to the proposal, and to recommend its acceptance in view of the expediency of maintaining strict accord between the Treaty Powers.

A reply had just been received, stating that the United States' Government saw no objection to the proposal, but did not consider that the state of affairs required the dispatch of more than one vessel of either Power.

M. Jenisch was also informed that Her Majesty's Consul at Apia had not as yet replied to the telegraphic inquiry which had been addressed to him as to the present state of affairs in the islands.

I am, &c.,

Hon. P. Trench.

ROSEBERY.

No. 287.—The Earl of Rosebery to Sir E. Malet.

(Telegraphic.)

Foreign Office, October 24, 1892.

IN connection with my despatch of the 14th instant, you should inform German Government that, in order to insure united action, Her Majesty's Government are dispatching one man-of-war to Samoan waters with a view to the protection of life and property.

Her Commander will be instructed to act in concert with the naval officers of the two other Treaty Powers employed on a similar duty.

No. 288.—The Earl of Rosebery to Mr. Herbert.

(Telegraphic.)

Foreign Office, October 24, 1892.

YOUR telegram of the 13th instant.

You should inform American Government that, in order to insure united action, Her Majesty's Government are dispatching one man-of-war to Samoan waters with a view to the protection of life and property.

Her Commander will be instructed to act in concert with the naval officers of the two other Treaty Powers employed on a similar duty.

No. 289.—The Earl of Rosebery to Consul Cusack-Smith.

(Telegraphic.)

Foreign Office, October 24, 1892.

WITH reference to my telegram of the 6th instant, one ship of war is being dispatched by each of the three Treaty Powers to Samoan waters with a view to protect life and property.

The Commanding Officers of these vessels will be instructed to act in strict concert.

*No. 290.—Mr. Herbert to the Earl of Rosebery.—(Received
November 4.)*

(Telegraphic.)

Washington, November 4, 1892.

I AM informed by Mr. Foster that he has addressed a note to the German Chargé d'Affaires, stating that until further information is received as to the situation in Samoa, the United States' Government cannot reply to the German suggestions for the restoration of peace in that island.

One United States' ship will, however, be at once dispatched to Samoa to concert with the British and German vessels in the

protection of life and property, should the occasion arise. Mr. Foster is anxious to avoid the precipitation of actual hostilities until he has received the information which he is expecting from the United States' Consul; and he is of opinion that any action taken by the vessels should be first unanimously agreed upon by the Consuls of the three Treaty Powers.

No. 292.—Consul Cusack-Smith to the Earl of Rosebery.—(Received November 10.)

MY LORD,

Samoa, October 11, 1892.

I HAVE the honour to inclose a copy of an appeal from Baron Senfft von Pilsach, the President of the Municipal Council of Apia, to be informed by cablegram that the Treaty Powers permit him to leave Samoa, in pursuance of his resignation forwarded to the Powers last April, or that in the alternative his salary will be guaranteed and paid by the said Powers.

At the same time Baron Senfft von Pilsach requests me to report to your Lordship upon the subject of his appeal.

I cannot too earnestly express my hope that Her Majesty's Government will not agree to guarantee the salary of the Municipal President.

As far back as February 1891, in my despatch of the 16th of that month, I expressed my conviction that without great care the very catastrophe which has now befallen the Municipal finance was certain to occur.

I believe that, in accordance with my suggestion, the President was warned that after the first year of his work he must look only to Samoa for his salary in accordance with section 5 of Article V of the Berlin Final Act.

When in April 1892 the President, contrary to the unanimous advice of the Consuls and to the wishes of the white residents in Apia, transferred practically the whole of the Municipal revenues to the Samoan Government, it was impossible not to foresee that he was deliberately throwing away the only source of his own salary.

As I have stated in my despatches of August and September 1892, the President is alone to blame, and responsible for the financial ruin which is the result of his administration of the funds not only of the Municipal Council, but also of the Samoan Government.

When the Consuls handed over the Treasury to Baron Senfft von Pilsach in 1891 there was a reserve of about 1,000*l.* to the credit of the Municipality of Apia.

Had the revenues of the Municipality been retained, as provided

by the Berlin Treaty, there should now be 2,000*l.* in reserve after carrying out those vitally important improvements upon which the expansion of trade so greatly depends.

In his appeal Baron Senfft von Pilsach most illogically seeks to throw the blame of the present bankruptcy upon the Municipal Council, because they defer the collection of the house and property tax until they know whether the Powers will restore to the Municipality the revenues which the President and the Chief Justice diverted to the Samoan Government. As this tax was only estimated by the German Consulate in Apia to amount to 400*l.*, the contention of the President that the delay in its collection is the cause of the collapse of the Municipal finance can hardly be treated seriously.

I have the honour to inclose an extract from the Minutes of the Municipal Council referring to the delay. On the occasion of a previous Resolution deferring the collection of this tax, the Consuls sitting as the Consular Board suggested, as an amendment under section 3, Article V, that the tax should be collected from the 1st July, 1892.

Had the President and the Chief Justice upheld the suggestion of the Consuls, the tax would have been collected in July. But the Chief Justice struck out the amendment suggested by the Consuls, ordered that the tax should be collected, but left the date to be fixed by the Municipal Council.

The consequence is that this date has never yet been fixed.

The President says that the Treaty in effect provides no remedy to compel the Municipal Council to proceed with the collection of the tax, but there is no doubt that section 4 of Article III provides an efficient remedy, and no change in the Treaty is requisite.

I repeat what I stated in my despatch of the 13th September, 1892, that no improvement can take place in the absolute deadlock, both in the Municipal and Samoan Government affairs, if Baron Senfft von Pilsach is retained in office. It is not the fault of the Treaty—which is perfectly workable—but of the two men who have administered it.

The salary of the Chief Justice, under section 2 of Article III, will now have to be paid by the Powers, as there is no money in the Treasury for Samoan Government purposes, and under the present Administration no likelihood of there being sufficient.

In my despatch above mentioned I said, "The present financial deadlock will in no way be remedied by any re-adjustment of taxation and revenue between the Samoan Government and the Municipality," and the President in his appeal used almost the same words.

Should the President leave Samoa before the answer of the

Powers is received, under section 2, Article V, of the Berlin Final Act, the Municipal Council could "elect a Chairman *pro tempore*," and it would only remain to make temporary arrangements as to the Treasurership.

I have, &c.,

The Earl of Rosebery.

T. B. CUSACK-SMITH.

(Inclosure 1.)—*Baron Senfft von Pilsach to Consul Cusack-Smith.*

SIR,

Apia, October 10, 1892.

I HAVE the honour to inform you that, at the expiration of the last month, the funds that I held for the use of the Municipal Council of Apia, amounted to less than the sum due for my salary for that month. Consequently I have been unable to make any payment due on the 1st instant, for under the Berlin General Act the salary of the President is the first charge on the revenues of the Municipality.

Under the same Treaty, the authority that shall provide for the collection of the public revenue of the Municipality of Apia is the Municipal Council.

The Treaty does not provide for any representation of the Council in the performance of the aforesaid function, in case that body omits to discharge the same. Moreover, no means have been provided for compelling the Council to fulfil the duties imposed on it by the Treaty if it refuses to do so, even in open opposition to the other authorities participating in the Municipal Administration.

As it is known to you, the Municipal Council has refused to provide for the collection of a tax which, according to the Treaty, ought to have been levied a long time ago, on the ground that the members had not yet received an answer to a complaint which had been submitted to the Governments of the three Treaty Powers in April last.

Since I am not informed whether or not, and when, such answer can be expected, I do not know if and when the Council will again be inclined to procure the means for carrying on the Administration of the Municipal District. But there is every reason to believe that even if the answer in question will be received, it will not alter the present attitude of the Council, unless it should be in conformity with the views of the majority of that body.

Thus it appears to me that the significance of the present difficulty is greater than the actual circumstances which have led up to the same. It shows that the institutions existing under the Berlin Treaty do not afford any guarantee against complications

of this kind being brought about at any time. And so, in fact, the very existence of the Municipal Administration depends on the disposition of the majority of the Council.

Provided an arrangement of this nature had not been contemplated by the Berlin Conference, perhaps the present emergency will induce the Governments of the Treaty Powers to insert an amendment in the Treaty adapted to prevent wilful obstruction, and eventually the destruction of the Municipal Administration by those very parties who are bound under oath to do their best towards its maintenance. The purpose of this letter is not to make proposals in the direction of such an amendment. I restrict myself to pointing out that side of the affair where it affects me personally.

From my above statements I draw the conclusion that not only at present I am unable to get my compensation, due since the 1st September last, but also there is no security for its payment in future. According to the Berlin Treaty the funds which I hold for the use of the Municipal Council of Apia constitute the only source of my salary.

In October 1891, and again in April 1892, I have in urgent terms requested the permission of the three Signatory Powers to resign my present office, stating in both cases that for several reasons I could not see any possibility of a successful performance of my official duties.

To the first request I received a declining answer from Her Britannic Majesty and the Imperial German Majesty's Government. To the second despatch I am still without any reply.

Before accepting my position I have not been required to enter into any engagement as to the length of time I had to remain in the office.

This being so, I doubt if I am formally obliged to await the permission I have requested from the three Governments provided that King Malietoa should accept my resignation. I have done so hitherto under the impression that the contrary would involve a want of regard towards the three Governments which could not be justified but in the case of absolute necessity. But I hardly think that I can be expected to wait any longer on the decision of the Governments at the risk of losing meanwhile the means of subsistence for my family and myself.

As I have intimated, I cannot expect an improvement of my situation in consequence of any alteration of the distribution of the public revenue between the Samoan Government and the Municipality of Apia. It is the autonomy of the Municipal Council in regard to the collection of the revenue which will always expose the President to experiences like the present.

Since there is little time remaining before the mail goes, I shall myself submit copies of this letter to the three Governments concerned, but I shall be greatly obliged if, at the same time, you will report to Her Britannic Majesty's Government on the subject. Perhaps the Governments will then inform me, by way of a cablegram, either that I am allowed to leave Samoa, or that they themselves will protect me from pecuniary loss.

Kindly treat this communication confidentially except towards the Chief Justice and your colleagues.

I have, &c.,

FREIHERR SENFFT VON PILSACH.

T. B. Cusack-Smith, Esq.

(Inclosure 2.)—Extract from the Minutes of the Municipal Council of Apia.

Special Meeting, Friday, September 16, 1892.

PROPOSED by M. Greysmühl, seconded by M. Osenbrüg:—

That the collection of Tax C 5 be deferred until an answer be received from the three Powers to the protest against the transference of the customs duties.

Carried by 5 against 1 vote.

Proposed by M. Greysmühl, and seconded by Mr. Carr:—

That a copy of the Minutes of this meeting be forwarded to Her Britannic Majesty's Consul, Imperial German Majesty's Consul, and United States' Vice-Consul-General, with a polite request to forward the same to their respective Governments.

Carried unanimously.

No. 294.—Mr. B. Haggard to the Earl of Rosebery.—(Received November 12.)

MY LORD,

Apia, Samoa, October 11, 1892.

I HAVE the honour to inform you that, in accordance with the provisions of Article IV of the Berlin Final Act, the Samoan Land Commissioners have reported up to yesterday, the 10th October instant, 748 claims. All the claims arising out of the Municipality of Apia were heard and reported before the 1st October instant. They number 626. There are other claims outside of the Municipality also reported, but of the 748 claims reported by the Commissioners, 265 were disputed and 483 undisputed.

Owing to the absence and illness of my original colleagues, and the non-arrival of my recent colleagues, we were able, between the

1st October, 1891, and the 1st October, 1892, to sit hearing and reporting claims for only 207 working days. The 1st October, 1891, was the first day we could sit hearing claims, according to the requirements of Article IV of the Berlin Final Act (that we could as a complete Commission), hear claims and report them, viz., being four months from the 1st June, 1891, when the Commission was formed.

Many of the contested claims have taken days to hear, and uncontested claims have also in many cases given much trouble. Some have been disposed of rapidly. I am happy to think no time has been wasted by long discussions between the Commissioners themselves as to their decisions on making the Reports. Complete harmony has reigned between the various Commissioners all along in that regard. As the Commissioners read section 6, Article IV, Berlin Final Act, there are only two (both facsimile) cases to go for final decision to the Chief Justice of Samoa. They are reported together. There is really only one case, as we think, to go on appeal.

I have, &c.,

The Earl of Rosebery.

BAZETT M. HAGGARD.

No. 295.—The Earl of Rosebery to Consul Cusack-Smith.

(Telegraphic.)

Foreign Office, November 12, 1892.

WITH reference to my telegram of the 24th ultimo, no naval action is to be taken unless the unanimous sanction of the Consuls of the Treaty Powers has been obtained beforehand. The Commander of Her Majesty's ship *Ringarooma* has received instructions to this effect.

No. 297.—Count Hatzfeldt to the Earl of Rosebery.—(Received November 28.)

(Translation.)

MY LORD,

German Embassy, London, November 28, 1892.

I HAVE been informed that the British Ambassador at Berlin, Sir E. Malet, has informed the Imperial Government that the Government of Her Britannic Majesty have sent one of their ships of war to Samoa in order to protect the lives and property of the foreigners there, in conjunction with the ships of the other Powers.

I am directed to inform your Lordship, in connection with this, that the United States' Government have made arrangements to send one of their ships to Samoa, although they do not consider the situation more serious than formerly. At the same time, they have

instructed the Commander of their vessel to act in concert with the British and German Commanders. The German vessel now present at Apia is the Imperial cruiser *Bussard*.

My Government confidently hope that the presence of the ships of war will have a quieting effect on affairs in Samoa, but they are of opinion that no permanent success will be attained in this direction until the natives have been completely disarmed.

I have, &c.,

The Earl of Rosebery.

V. HATZFELDT.

No. 298.—Consul Cusack-Smith to the Earl of Rosebery.—(Received November 30.)

(Telegraphic.)

Samoa, November 12, 1892.

I RECEIVED on the 10th instant your Lordship's telegrams of the 6th and 24th ultimo.

The bad season has begun, and after the middle of next month it will not be safe for vessels of war to remain here. I do not think that any action on the part of the naval officers can improve matters while M. Cedererantz and Baron von Pilsach continue in office. Life and property are not in danger.

I would recommend the withdrawal of the ships until the hurricane season is over.

No. 299.—The Earl of Rosebery to Sir J. Pouncefote.

(Telegraphic.)

Foreign Office, November 30, 1892.

CONSUL CUSACK-SMITH telegraphs that the hurricane season renders it unsafe for vessels of war to remain at Samoa after the middle of next month. In his opinion there is no present danger to life or property.

Under these circumstances it would, in my judgment, be expedient to withdraw the men-of-war, and postpone any joint action until after the hurricane season.

Ascertain whether the United States' Government concur in this view.

I have made a communication in the same sense to the German Government.

No. 300.—The Earl of Rosebery to Count Hatzfeldt.

M. L'AMBASSADEUR,

Foreign Office, November 30, 1892.

WITH reference to the note which your Excellency did me the honour to address to me on the 28th instant in regard to the concerted action in Samoa of the British, German, and American ships of war, I have the honour to inform you that I have this day received a telegram from Her Majesty's Consul at Apia, reporting that, in consequence of the bad season having set in, it would not be safe for men-of-war to remain in Samoan waters after the middle of December, and recommending that they should be withdrawn until after the hurricane season is passed.

The Consul considers that there is at present no danger to life and property, and that the dispatch of vessels of war might, therefore, still be deferred.

In view, therefore, of the danger to which the ships would be exposed, I am of opinion that it would be advisable to postpone any joint action for the present, and to arrange that the ships should be withdrawn until the bad season is over.

I shall be glad if your Excellency will communicate with the German Government on the subject, and will inform me at as early a date as possible whether they would be prepared to join in giving instructions in this sense to the Naval Commanders, and in the meantime I am telegraphing in this sense to Washington.

I have, &c.,

Count Hatzfeldt.

ROSEBERY

No. 301.—Sir J. Pouncefote to the Earl of Rosebery.—(Received December 2.)

(Telegraphic.)

Washington, December 1, 1892.

MR. FOSTER approves in substance the proposal contained in your Lordship's telegram of the 30th ultimo. He is willing to agree to send instructions to the Commanders of men-of-war in Samoan waters permitting them to remove their ships to some safer station until the bad season is over, provided they should all be of opinion that no present danger exists to life and property. The concurrence of the German Government, at whose instance the United States' Government consented to send a ship to Samoa, would, however, have to be obtained first.

No. 306.—Consul Cusack-Smith to the Earl of Rosebery.—(Received December 12.)

MY LORD,

Samoa, October 21, 1892.

IN my despatch of the 3rd August I had the honour, in referring to the President Senfft von Pilsach's refusal to permit the Consuls to inspect the Quarterly Financial Reports, which, under section 5, Article V, of the Berlin Final Act, he has to furnish to King Malietoa, to draw your Lordship's attention to the evident intention of Baron Senfft von Pilsach to avoid any inspection of his accounts. On the 19th October I asked him to kindly furnish me with copies of the three Quarterly Reports which have appeared since he last forwarded copies to me, as I wished to send them to your Lordship. He replied that not even the Signatory Powers, except by a joint instruction, can demand to see his accounts, although he apparently overlooks intentionally the fact that, in the imminent event of a deficiency in the salary of the Chief Justice, Her Majesty's Government will be called upon to make good one-third of the deficiency, without even the satisfaction of seeing how the deficiency occurs.

I know that several items of expenditure are entered in a misleading manner. The purchase of the "Samoa Times" is, I am informed, entered as "special investment by order of the King."

The Marshal and Registrar of the Supreme Court of Samoa, who, contrary to section 1, Article III, draw ample salaries from the Samoan Government, in addition to the fees, could not draw salaries as Marshal or Registrar; so the Marshal, I am informed on the best authority, draws his salary as Secretary for Native Affairs, an office which, if it exists at all, is not filled by him, and the Registrar draws salary as Secretary to the Chief Justice.

I only mention these items to show the necessity for the accounts of the Samoan Government, which has been brought to insolvency by the unfortunate administration of Baron Senfft von Pilsach, being thoroughly examined and audited.

I have, &c.,

The Earl of Rosebery.

T. B. CUSACK-SMITH.

(Inclosure.)—Baron Senfft von Pilsach to Consul Cusack-Smith.

SIR,

Apia, October 21, 1892.

IN reply to your letter, dated the 19th instant, relating to my Quarterly Reports on the Government's finance, I have the honour to inform you that I have resolved to discontinue the communication of these Reports to the Consular Representatives in Samoa unless I might be directed otherwise through a joint instruction of their Governments.

From the fact that the Berlin Treaty does not contain any provisions establishing a regular control of my financial administration on the part of the three Signatory Powers, I must conclude that such a control has not been contemplated by them. This refers to my quarterly statements, but, at the same time, I wish to express the opinion that the holder of my office is obliged to acquaint the Governments, directly or through the intermediation of their Consular Representatives, with any extraordinary situation affecting their eventual interest in the solvency of the Samoan Government. I may mention that I have done so in February last with reference to the difficulty of collecting the Samoan capitation tax.

I regret that, for these reasons, I cannot meet your wishes. Upon a corresponding request of the Imperial German Consul, I have communicated my views to him on the 2nd August last.

I have, &c.,

FREIHERR SENFFT VON PILSACH.

T. B. Cusack-Smith, Esq.

*No. 312.—The Earl of Rosebery to Sir E. Malet.**

SIR,

Foreign Office, December 17, 1892.

I TRANSMIT herewith, for your information, a copy of a despatch from Her Majesty's Consul at Apia,† reporting that Baron Senfft von Pilsach declines to furnish the Consuls of the Treaty Powers with copies of his Quarterly Financial Reports unless he receives a joint instruction from the Powers to do so.

I have to request that you will propose to the German Government that joint action should be taken with this object.

I am, &c.,

Sir E. Malet.

ROSEBERY.

No. 313.—Sir J. Pauncefote to the Earl of Rosebery.—(Received December 22.)

MY LORD,

Washington, December 13, 1892.

I HAVE the honour to inclose copy of a Memorandum containing Mr. Foster's suggestions in regard to the amendments required in the Samoan General Act, which he has handed to me and to the German Minister.

I have, &c.,

The Earl of Rosebery.

JULIAN PAUNCEFOTE.

* Also to Sir J. Pauncefote (Washington).

† No. 306, page 1034.

(*Inclosure.*)—*Pro-memoriâ.*

SECTION 1 of Article VIII of the Berlin General Act provides that—

“Upon the request of either Power after three years from the signature hereof, the Powers shall consider by common accord what ameliorations, if any, may be introduced into the provisions of this General Act. In the meantime, any special amendment may be adopted by the consent of the three Powers with the adherence of Samoa.”

It is believed that some amendment of the Act, if only for explanatory purposes, is necessary. There are inherent ambiguities in its language; and the usual practical difficulties have arisen which naturally arise in the working of any new organization. These difficulties exist equally with respect to each of the instrumentalities created by the Treaty, such as the Court, the Municipality, and the Land Commission. Mention need only be made, for example, of the pending unsettled questions with respect to the division of the customs revenue, and the supervisory power of the Supreme Court over the findings of the Land Commission, as it is now evident that its work cannot be completed within the time originally limited by the Treaty.

The residents of Apia, in a public meeting last February, asked the three Governments to consider a series of amendments which they proposed. The President of the Municipal Council has recommended changes. The Government of the United States also has at different times been advised by its Representatives in Samoa of amendments deemed necessary or desirable. Any one of the Powers might now, in accordance with the section quoted, require the subject of Treaty revision to be taken into consideration; but it is not believed that the purpose to be accomplished requires a formal Conference such as originated the Treaty, and much less so since there seems to be no necessity for any discussion of its general scope or plan. The purpose desired is not any alteration in its essential features, but merely minor changes in its details. That purpose might be accomplished very simply by an informal conference between the Secretary of State and the Representatives of the three Governments in Samoa.

At the present time each of the three Treaty Powers has a Consular Representative at Apia. They are well informed regarding the necessity and propriety of any proposed changes, and they, aided by the counsel of the Land Commissioners of their respective Governments, could profitably confer with reference to this subject without delay and without expense. Their consideration of the matter should be limited to explanatory amendments and details in

the interest of the best practical results under the Treaty. They could, of course, make separate Reports to their respective Governments, but in so far as they were able to agree they should make a joint Report of their recommendations. These Reports could be treated as being simply for the information of the Powers, which could reserve to themselves the fullest liberty of final action. It is believed, however, that they would furnish an intelligent basis for the practical consideration of the questions involved.

It is therefore proposed by the United States that instructions be sent by the three Powers to their respective Consular Representatives in Samoa to hold a joint conference at the earliest convenient date after receipt of the instructions, and make a joint Report as to recommendations which they may be able to agree upon respecting the more effective working of the Berlin General Act. When this joint Report is received, it is further proposed that a conference be held between the Secretary of State and the Diplomatic Representatives of Great Britain and Germany with a view to the adoption of such modifications or explanatory declarations of the Berlin General Act as, in the light of the recommendations of the Consuls or other officials, may be deemed advisable.

No. 314.—Sir E. Malet to the Earl of Rosebery.—(Received December 26.)

MY LORD,

Berlin, December 19, 1892.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch of the 17th instant, respecting the refusal of Baron Senfft von Pilsach to supply copies of his Quarterly Financial Reports to Her Majesty's Consul in Samoa, and to inform your Lordship that I have this day addressed a note to Baron von Marschall, of which I inclose a copy, in the terms of your Lordship's above-mentioned despatch.

I have, &c.,

The Earl of Rosebery.

EDWARD B. MALET.

(Inclosure.)—Sir E. Malet to Baron von Marschall.

M. LE BARON,

Berlin, December 19, 1892.

HER Majesty's Consul at Apia has reported to the Earl of Rosebery that, having made application to the President of the Municipal Council to be furnished with copies of his Quarterly Financial Reports, Baron Senfft von Pilsach, in a letter dated the 21st October last, declined to supply such copies without a joint instruction to do so from the Powers.

Baron Senfft added that he had returned a similar answer, under date of the 2nd August last, to a like application on the part of the Imperial German Consul.

Her Majesty's Government are disposed to consider it desirable that the Financial Reports of the President of the Municipal Council should be communicated to the Consular Representatives of the three Treaty Powers, and I am accordingly directed to propose to your Excellency that joint action should be taken with this object.

I avail, &c.,

Baron von Marschall.

EDWARD B. MALET.

No. 315.—Count Hatzfeldt to the Earl of Rosebery.—(Received December 26.)

(Translation.)

(Extract.)

German Embassy, London, December 22, 1892.

WITH reference to your Lordship's note of the 12th August, relative to the import and export duties in Samoa, I have the honour to transmit herewith a copy of a despatch from the Imperial Minister at Washington, together with its inclosure, from which it appears that the Government of the United States share the opinion held by the Imperial Government. The American Government would be in favour of a common understanding to be arrived at as to a division of the duties among those interested.

The Earl of Rosebery.

HATZFELDT.

(Inclosure 1.)—Herr von Holleben to Count Caprivi.

(Translation.)

Washington, November 25, 1892.

THE Government of the United States agrees with the Imperial Government and with the British Cabinet that the opinion of the Chief Justice, namely, that the proceeds of the import and export duties which have hitherto been levied for the Municipality of Apia were not at the disposal of that body, but of the Samoan Government, according to the provisions of the Samoan Act, was not rendered in the line of the duty of the Court, or in accordance with the terms of the Treaty, and that, being extra-judicial, it ought to be treated as a nullity.

The Government of the United States is therefore ready to join in any communication expressing a definite decision in this sense to the Chief Justice or other officials of Samoa.

The Government of the United States suggests that a practical solution of the question might be found by arriving at an understanding as to the equitable division of the customs duties between

the Samoan Government and the Municipality. It hopes that an agreement between the parties concerned may be arrived at on the spot, which would both safeguard the interests respectively involved and carry out the intentions of the Treaty Powers.

(Inclosure 2.)—*Mr. Foster to Herr von Holleben.*

SIR, *Department of State, Washington, November 22, 1892.*

BARON VON KETTELER'S Memorandum of the 14th July last, expressing the views of the Imperial Government upon the difference of opinion which has arisen as to the apportionment of the import and export duties in Samoa, has had my careful consideration. On the 2nd instant I also received from the British Chargé d'Affaires a copy of Lord Salisbury's note of the 12th August to Count Hatzfeldt, expressing the views of the British Government upon the same subject.

Section 4 of Article III of the Berlin General Act provides that the Supreme Court of Samoa shall have jurisdiction of all questions arising under its provisions. But its competence to render a decision with respect thereto is believed to be limited to suits or references regularly before it in accordance with the specific provisions of the Act. As a Court it is bound to proceed in accordance with the judicial procedure. Otherwise, parties in interest would receive no hearing, and matters of the gravest importance, as in this instance, might be finally settled in proceedings entirely *ex parte*.

This Government, therefore, is disposed to agree with the Imperial Government and with the Government of Great Britain that the opinion of the Chief Justice of Samoa with respect to the revenues, given on the 28th March last, was not rendered in the line of the duty of the Court or in accordance with the terms of the Treaty, and that, being extra-judicial, it ought to be treated as a nullity. The Government of the United States will be pleased to join in any concurrent communication of this view to the Chief Justice or other officials of Samoa, as may be deemed most expedient.

As regards the correct interpretation of section 3 of Article VI of the Treaty, it must be admitted that its language is ambiguous, and that it is not free from doubt whether the import and export duties belong by its terms exclusively to the Samoan Government in accordance with the Chief Justice's latest opinion, or exclusively to the Municipality in accordance with his earlier opinion, or partly to each.

Practically, however, this Government is impressed with the

belief that there ought to be some fair division of the revenue between the Government and the Municipality, and that its exclusive assignment to either would be essentially unjust to the other. If the terms of the Treaty should be finally held to require the latter, then, in the opinion of this Government, the Treaty ought to be amended in that regard. But I join in the hope expressed by the Government of Great Britain, that "the contending parties may still be able to arrive at a common understanding upon this point which shall be alike satisfactory to themselves and to the Treaty Powers."

Accept, &c.,

Herr von Holleben.

JOHN W. FOSTER.

*No. 319.—Sir E. Malet to the Earl of Rosebery.—(Received
January 2, 1893.)*

MY LORD,

Berlin, December 28, 1892.

WITH reference to my despatch of the 19th instant, I have the honour to transmit to your Lordship herewith a copy, with a translation, of a note which has been addressed to me by the Imperial Ministry of Foreign Affairs relative to the question of the inspection by the Consuls of the Treaty Powers of the Quarterly Financial Returns of the Government and Municipality of Samoa.

I have, &c.,

The Earl of Rosebery.

EDWARD B. MALET.

(Inclosure.)—Baron von Marschall to Sir E. Malet.

(Translation.)

Foreign Office, Berlin, December 25, 1892.

THE Undersigned has the honour to inform his Excellency Sir Edward Malet, in reply to the note of the 19th instant from the British Embassy, that the Imperial Government concur in the view taken by the Government of Great Britain, and have instructed, in consequence, their Consul at Apia to place himself in communication with his English and American colleagues, with the object of presenting the joint demand, in the names of the Treaty Powers, to the President of the Municipality, that the Quarterly Returns of the Finance Administration of the Samoan Government and of the Municipal District shall be submitted to the Consuls for inspection.

The Undersigned ventures to take it for granted that Her Britannic Majesty's Government has conferred with the Government of the United States upon this subject in the sense of the note under reply, and avails himself, &c.,

Sir E. Malet.

MARSCHALL

No. 321.—*Consul Cusack-Smith to the Earl of Rosebery.*—(Received January 5, 1893.)

MY LORD,

Samoa, December 6, 1892.

I HAVE the honour to report that both my colleagues had received instructions relative to the Chief Justice and the survey fees. They were anxious to enter a protest, as the Chief Justice had published in the "Royal Gazette" a Notice relating to the surveys, a copy of which I inclose. As they showed me Sir P. Currie's letters to the German Ambassador dated the 13th September, I felt justified in acting jointly with my colleagues.

Accordingly we, on the 12th November, notified the Chief Justice that the Treaty Powers were in accord in withholding their sanction from his making the registration of land titles conditional in each case on a previous survey of the land, to be made at the expense of those concerned, and that they also withheld their sanction from the fee for registration of title as set forth in the scale of fees in "The Real Property Ordinance, 1891," and we begged him to modify the Notice in the "Royal Gazette."

We hoped in this way to avoid making any public notification, which must be unpleasant for the Chief Justice.

But his answer, dated the 16th November, and his expressed determination to insist upon the surveys, forced my German colleague to notify his nationals that they were not bound by the survey fees and regulations.

In the interests of unanimity, which is so all-important in the actions of the Consuls here, I decided to join in the Notice decided upon by my colleagues, and I inclose a copy of it.

Your Lordship's instructions contained in your despatches received on the 2nd December appear to cover all that I have done.

The Chief Justice must be immediately and without delay instructed by the Powers to obey their decision, as meanwhile applicants for registration of title are kept waiting, and may lose opportunities of selling their land to the best advantage.

Cablegram viâ New Zealand is the quickest mode of reaching me, provided the Governor sends on the message by the very earliest steamer, which often is leaving the day the cablegram arrives.

I have, &c.,

The Earl of Rosebery.

T. B. CUSACK-SMITH.

(Inclosure 1.)—*Extract from "Royal Gazette" of November 7, 1892.*

Notice.

UPON publication in the "Royal Gazette" of the decision of the Supreme Court upon a claim to ownership of land it shall be the
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duty of the person or persons to whom a grant will be issuable, to apply at the office of the Surveyor-General and there deposit such sum to meet the expenses of survey as the Surveyor-General may request, according to table of fees, or in cases where a complete survey has been made, the expenses for putting the diagram on the grant.

The lands not already surveyed shall, as far as practicable, be surveyed in the same order as the applications have been received, and the requisite sums deposited.

Where pieces of land claimed in two or more claims form one block of land, one grant will, if possible, be issued for the whole block.

Where the claim is based upon a deed posterior to the Berlin Treaty coming into operation, the claimant is reminded of Article VI, sections 2 (D) and 3, of the said Treaty.

In the Supreme Court of Mulinuu, November 5, 1892.

C. CEDERCRANTZ, *Chief Justice.*

(*Inclosure 2.*)—*The Consuls of the Treaty Powers to M. Cedercrantz.*

SIR,

Apia, Samoa, November 12, 1892.

WE have the honour to inform you that we have received instructions that the three Treaty Powers are in accord in withholding their sanction from your making the registration of land titles conditional in each case on a previous survey of the land to be made at the expense of those concerned, and that they also withhold their sanction from the fee for registration of title as set forth in the scale of fees in the "Real Property Ordinance, 1891."

We beg to request you to modify the Notice concerning surveys of land published by you in the "Royal Gazette" of the 7th November, 1892, in accordance with the decision of the Treaty Powers now communicated to you.

We have, &c.,

T. B. CUSACK-SMITH, *Her Britannic Majesty's Consul.*

BIERMANN, *Imperial German Consul.*

W. BLACKLOCK, *Vice-Consul-General, United States of America.*

(*Inclosure 3.*)—*M. Cedercrantz to the Consuls of the Treaty Powers.*

GENTLEMEN,

Mulinuu, November 16, 1892.

I HAVE the honour to acknowledge the receipt of your letter of the 12th instant, in which you inform me that you have received

instructions that the three Treaty Powers are in accord in withholding their sanction from my making the registration of land titles conditional in each case on a previous survey of the land to be made at the expense of those concerned, and that they also withhold their sanction from the fee for registration of title as set forth in the scale of fees in the "Real Property Ordinance, 1891." You also request me to modify the Notice concerning surveys of land published by me in the "Royal Gazette" of the 7th November, 1892, in accordance with the decision of the Treaty Powers thus communicated to me.

In response thereto, I regret to say that I cannot comply with your request. I feel the less justified to do so since, to judge from your letter, you are not instructed to communicate to me any decision of the Treaty Powers on the matter.

I have, &c.,

C. CEDERCRANTZ, *Chief Justice.*

(Inclosure 4.)—*Public Notice.*

WE hereby give notice that the three Treaty Powers are in accord in withholding their sanction from those sections of the "Real Property Ordinance, 1891," as enacted by the Chief Justice of Samoa, which refer to surveys of land, and from the fee for registration of title as set forth in the scale of fees. The above-mentioned portions of the said Ordinance are therefore not binding upon our nationals.

November 29, 1892.

T. B. CUSACK-SMITH, *Her Britannic Majesty's Consul.*

BIERMANN, *Imperial German Consul.*

W. BLACKLOCK, *Vice-Consul-General,
United States of America.*

No. 322.—*Consul Cusack-Smith to the Earl of Rosebery.*—(Received January 5, 1893.)

MY LORD,

Samoa, December 6, 1892.

I HAVE the honour to report that since the arrival of Her Majesty's ship *Ringarooma* her movements have been as follows:—

She arrived on the 3rd November, and on the 12th November left for Pago Pago, where she had arranged to take in her coal from the Union Steam-ship Company's *Upolu*. On the 5th November news of war in Tutuila had reached Apia.

On the 7th November Baron Pilsach wrote to me asking me to agree that the *Ringarooma* should take the Chief Justice or himself, some Chiefs and policemen to Tutuila to arrest the natives who might be found guilty of causing the outbreak. As there were many difficulties in such a course, and as the request did not comply with the joint instructions of the Treaty Powers as to the assistance to be rendered by men-of-war, I on the 9th November expressed my regret that my instructions did not permit me to requisition the war-ship for the purpose requested. But I suggested that as the *Upolu* was going to Pago Pago, and as the *Ringarooma* would be lying in that harbour, it was obvious that if the Government officials proceeded in the *Upolu* the opportunity would be a very favourable one.

However, as the Treasury was empty, and the Steam-ship Company's agent would not give credit to the Samoan Government, the proposed expedition fell through. The German Consul also refused to requisition his ship.

On the 11th November the King requested me, while I was at Pago Pago, to ascertain the cause of the outbreak, and report to him on my return, which I very gladly promised to do.

The inclosed newspaper cutting gives a fairly accurate account of my Report to the King.

Her Majesty's ship *Ringarooma* returned to Apia on the 18th November.

As she had lost a torpedo in Pago Pago harbour, she returned there on the 19th, arriving again in Apia on the 25th.

On the 25th a party of Manihiki natives had arrived in a boat flying the British flag. They complained to me that the Samoans at Tiavea, in Upolu, had by force of arms stolen one of their two boats on the 24th November, with all its contents.

I immediately proceeded to the Chief Justice, who informed me that the Supreme Court could take no steps to punish the offenders until warrants had been issued in the ordinary way. The Samoan Government could do nothing to help me in the matter.

As the *Ringarooma* was here to protect British life and property, I asked Captain Bourke to convey me to Tiavea, which he did.

I recovered the boat and all the missing property, got the names of the eight offenders, seven of whom agreed to return with me to Apia and give themselves up to justice. The eighth was to follow. I handed over the eight natives to the Supreme Court authorities on my return to Apia.

The trial took place on the 3rd December, and, as the natives had apologized most humbly, and as they had surrendered themselves, I asked the Chief Justice to give them a light sentence.

He, after they had pleaded guilty, sentenced the eight Samoans to six months' imprisonment with hard labour, and to twenty-four lashes each, six to be administered each week during the first month's imprisonment.

The prompt action of the man-of-war has re-established a wholesome respect for British authority. The Samoans are quite out of hand, owing to the feeble inefficiency of the Samoan Government, and no longer respect the life and property of white men in the way they used to do.

I have, &c.,

The Earl of Rosebery.

T. B. CUSACK-SMITH.

(Inclosure.)—*Extract from the "Samoa Weekly Herald" of November 25, 1892.*

THE TUTUILA OUTBREAK.—Owing to the visit of Her Majesty's ship *Ringarooma* to Pago Pago, where she had appointed to take in her coals alongside the Union Company's *Upolu*, correct information has been received as to the rumours of war published on the 5th November. As King Malietoa was unable at the moment to arrange to send one of the Government officials to inquire into the rumours, he availed himself of the offer of Her Britannic Majesty's Consul to furnish a Report upon the situation. The British Consul had arranged as far back as June to visit Tutuila in Her Majesty's ship *Curacoa*, but was prevented, and his visit on this occasion was in no way connected with the reported disturbance. The *Ringarooma* left Apia on Saturday, the 12th November, and was off the north coast of Tutuila at daybreak on Sunday. As she passed between the mainland and the small Island of Aunu'u numbers of natives came down to the shore of Aunu'u, and on recognizing the British naval ensign the British commercial red ensign was hoisted over Arthur Young's store.

Soon after arriving in the lovely harbour of Pago Pago, whose shores will, we believe, in the no very distant future be dotted with pretty villas nestling among the foliage of the surrounding hills, it was discovered that a party of natives were lying armed in the church at Fagatogo watching the man-of war, ready to fire upon her should she interfere with them.

Careful and persistent inquiries revealed the following facts:—

The outbreak was started in October by three Chiefs, Leiato, Mauga Faaneneil, and Alo, with whom were other Chiefs, including Faumuina. Leiato, who is in supreme command of this party, is supported by the villages of Pago Pago, Fagasa, and Fagaitua. He has about 500 men under arms, but at least 100 have no rifles, while some have only one cartridge, and no one can boast of more

than fifty. Alo had only returned from Malié, where he had been living for four months with his followers in the camp of the rebel Mataafa. Within a month from his return from Pago Pago the disturbances broke out. There is no doubt whatever, from inquiries on the spot, that Mataafa instigated the disturbances, that Leiato's party is really Mataafa's party, and that had no warship arrived so inopportunistically a few weeks more would have seen Mataafa in Tutuila at the head of the revolt which he intended to carry into Upolu.

Leiato's party being ready, a pretext for the revolt was not difficult to find. Two villages in Pago Pago Bay, Fagatogo and Aua, had conferred the title of Leiato upon a Chief named Togiola, but on being told that this course would lead to fighting they expressed their willingness to take back the title, which they did to secure peace.

But the Mataafa party, led by Leiato, Mauga, and Alo, were not to be balked of their revolt by a *contretemps* of this sort; and, asserting that Togiola had fled to Aoa (on the north-east coast of Tutuila, and not to be confounded with Aua in the Bay of Pago), they at night, on the 25th October, treacherously surrounded the village, which had maintained a neutral attitude, and had not been concerned in the making of the new Leiato, and killed and decapitated four unoffending men and wounded others. Aoa was burnt and utterly destroyed.

But their thirst for cold-blooded murder was not yet at an end, for on the 28th October the Mataafa party asked the villages of Aua and Fagatogo to come to Pago Pago, a village at the very far end of the long bay, and make friends.

Aua and Fagatogo accordingly started up the bay in their boats, not expecting treachery. But as they neared Pago Pago a heavy fire was opened upon them, two of their men being killed, and several wounded severely, two of whom have since died.

The fusilade is described as coming from both sides of the bay, for at least half-a-mile below Pago Pago, clearly showing that the Mataafa party were posted beforehand, and that the treachery was premeditated.

The Fagatogo and Aua people took to the water, and, pushing their boats before them, they got away in the growing darkness, and that night fled to the little Island of Aunu, which is now fortified. Here they have been joined by the Aunu people, and by the homeless inhabitants of Aoa. This, the King's party, numbers about 400 men, all well armed, no one having less than fifty cartridges, while Togiola himself has over 2,000 rounds. This ammunition came from Tamasese's people, who have still plenty to sell. The Government will be greatly to blame if no steps

are taken to secure the remainder of the Tamasese ammunition, which may otherwise be sold to the rebels. It is also reported in Tutuila that the King's guards at Mulinuu are not averse to selling their ammunition.

During the fighting on the 28th the Aunuu, or King's party, captured Faumuina, one of the rebel Chiefs, who is closely confined on Aunuu.

The villages of Aua and Fagatogo have been pillaged and utterly destroyed, and the cocoa-nut and bread-fruit trees felled by the Mataafa party.

Letters were sent by Mr. Cusack-Smith to each party, requesting the Chiefs to attend a meeting on the man-of-war, so that both parties might state the facts which they wished should be reported to the King. The Aunuu, or King's party, replied that they wished to come, but that as the Mataafa party was waiting to attack them in their boats, they were afraid to do so. Leiato replied for his followers to Mr. Foster, who kindly volunteered to carry the letters, that he would not attend the proposed meeting. He displayed much anger at the interference of foreign war-ships in Samoan affairs, and said he was ready to fight the *Ringarooma* if Captain Bourke would fix the day.

However, in the morning his proud spirit had calmed, and he sent a party on board to attend the meeting.

As the party was not composed of the leading Chiefs, they were promptly and firmly sent over the ship's side. They then begged for a message to take to Leiato, who would, they were now sure, do as he was told. They were informed that Leiato could come or stay as pleased him, but that no messages would be received from or through his subordinates.

At 6 A.M. next morning Faivae arrived and begged that he might go from Mr. Cusack-Smith to urge Leiato to attend, as Leiato was now alarmed, and only wanted pressing to insure his attendance. This request was absolutely refused. Leiato had received his last message, and whether he attended or not was entirely a matter for himself. He alone would have to bear the consequences.

Before midday Leiato and more than fifty of his followers had arrived in Pago Pago, and begged for an interview.

The Consul and Captain Bourke proceeded to Pago Pago village at 2 P.M., and had a meeting with Leiato, Mauga, and Alo, who had to confess that it was by their orders the slaughter had taken place. Alo publicly, but apparently much against his will, owned that he had only returned from Malié a few weeks before the fighting broke out. The Consul then insisted upon a public apology for the disloyal language used by the three Chiefs at this meeting against the King, and a full apology was made, as also to Captain

Bourke for the childish threats to the war-ship. The three Chiefs were then required to promise that until the decision of the King could be received they would abstain from any further attack upon the Aunuu party, a like promise being subsequently received in writing from the Aunuu party.

In token of their apology for the words used against the *Ringarooma*, the three Chiefs then begged to be allowed to bring the customary "alofa" on board, which they did, only remaining a few minutes, so great was their fear of being seized and imprisoned.

A full report was verbally made to the King by Mr. Cusack-Smith on his return from Tutuila.

Unless vigorous steps are taken by the Samoan Government the fighting will break out again almost immediately, and there is every sign that Mataafa had arranged similar outbreaks in other parts of Samoa. Prompt, firm, just, and unflinching action can alone be successful in dealing with all native affairs.

Her Majesty's ship *Ringarooma* arrived from Tutuila yesterday at 2 P.M., and brings news that up to the time of her leaving Pago Pago both parties had kept the promise given to the British Consul not to begin further fighting.

No. 323.—Mr. B. Haggard to the Earl of Rosebery.—(Received January 5, 1893.)

MY LORD,

Apia, Samoa, December 6, 1892.

I HAVE the honour to inform you that up to date the Samoan Land Commissioners have respectively heard, examined, and made reports upon in all 1,503 "claims." Of that number, 558 were disputed and contested cases. Upon examining and adjudicating on the claims, I find that they appear to fall almost evenly into three classes, about one-third being undisputed, about one-third disputed, and about one-third having to be rejected from their own inherent vice, as inadmissible under the sections and sub-sections of Article IV of the Berlin Final Act, apart from the question whether they would or would not be contested at a hearing.

This flaw is at once patent to the Commissioners on examining the claims and deeds, but it does not preclude the necessity of a report. My Lord, it has indirectly been brought to my notice that it was supposed we had reversed our original decisions in some sixty cases, and exception was taken to it. I think I ought to respectfully assure your Lordship that we have not done so. We have reversed no decision we have made when finally reported

upon. In a group of sixty cases before the date of lodging the objection was reached, thinking they would be undisputed, as we were then informed, we examined the claims and deeds; we did this in order to keep our work forward, and avoid delay and waste of time. All these cases had eventually objections lodged against them, and had to be heard, but the same decision was arrived at, and the same reports remained. I am happy to be able to say that perfect unanimity of opinion as yet obtains with the Commissioners: 1,501 unanimous decisions have been given.

I have, &c.,

The Earl of Rosebery.

BAZETT M. HAGGARD.

No. 325.—Foreign Office to Consul Cusack-Smith.

(Telegraphic.)

Foreign Office, January 7, 1893.

WITH reference to your despatch of the 21st October last, and to previous correspondence, Her Majesty's Government authorize you to concert with your American and German colleagues in addressing a formal demand to Baron Pilsach, in the name of the Treaty Powers, requesting that he will submit, for the inspection of the Consular Board, the Quarterly Financial Reports both of the Samoan Government and of the Apia Municipality.

No. 328.—Foreign Office to Consul Cusack-Smith.

SIR,

Foreign Office, January 10, 1893.

I AM directed by the Earl of Rosebery to acknowledge the receipt of your despatch of the 6th ultimo, reporting that, in conjunction with your German and American colleagues, you had notified to the Chief Justice of Samoa that the Treaty Powers withhold their sanction from his decisions that a previous survey of the land and the payment of a fee of 5 dollars are obligatory in each case on the registration of land titles in the Navigator's Islands.

I am to convey to you his Lordship's approval of your proceedings in the matter.

I am, &c.,

T. B. Cusack-Smith, Esq.

T. H. SANDERSON.

BRITISH ORDER IN COUNCIL, respecting British-protected Persons under "The Africa Order in Council, 1889," and the expression "Treaty" in that Order in Council.—Windsor, July 17, 1893.*

At the Court at Windsor, the 17th day of July, 1893.

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY.

Lord President.

Marquess of Ripon.

Lord Steward.

Sir Edmund Monson.

WHEREAS by Treaty, grant, usage, sufferance, and other lawful means, Her Majesty the Queen has jurisdiction in the parts of Africa mentioned in "The Africa Order in Council, 1889:"

Now, therefore, Her Majesty, by virtue and in exercise of the powers in this behalf by "The Foreign Jurisdiction Act, 1890,"† or otherwise, in Her Majesty vested, is pleased, by and with the advice of her Privy Council, to order, and it is hereby ordered, as follows:—

1. This Order may be cited as "The Africa Order in Council, 1893," and shall be construed as one with "The Africa Order in Council, 1889" (herein referred to as the principal Order).

2. Natives of any Protectorate of Her Majesty which is outside any local jurisdiction constituted under the principal Order shall, when within that local jurisdiction, be deemed to be British-protected persons within the meaning of that Order.

3. The expression "Treaty," which is defined in Article 3 of the principal Order, shall be deemed to extend to any Treaty, Convention, or International Agreement to which Her Majesty is or may hereafter be a party, whether any State, Government, King, Chief, people, or tribe having power or authority in any local jurisdiction constituted under the principal Order is or is not a party thereto.

C. L. PEEL.

* Vol. LXXXI, page 301.

† Vol. LXXXII, page 656.

BRITISH ORDER IN COUNCIL, respecting the Exercise of Her Majesty's Jurisdiction in Zanzibar.—Windsor, July 17, 1893.

At the Court at Windsor, the 17th day of July, 1893.

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY.

Lord President.

Marquess of Ripon.

Lord Steward.

Sir Edmund Monson.

WHEREAS by Treaty, grant, usage, sufferance, and other lawful means, Her Majesty the Queen has jurisdiction in Zanzibar:

Now, therefore, Her Majesty, by virtue and in exercise of the powers in this behalf by "The Foreign Jurisdiction Act, 1890,"* or otherwise, in Her Majesty vested, is pleased, by and with the advice of her Privy Council, to order, and it is hereby ordered, as follows:—

1. This Order may be cited as "The Zanzibar (Jurisdiction) Order in Council, 1893," and shall be construed as one with "The Zanzibar Order in Council, 1884,"† and "The Zanzibar Order in Council, 1888"‡ (herein respectively referred to as the Order of 1884 and the Order of 1888).

2.—(1.) Natives of any Protectorate of Her Majesty whic his outside Zanzibar shall, when within Zanzibar, be deemed to be British-protected persons within the meaning of the Orders in Council relating to Zanzibar.

(2.) Such of the provisions of those Orders as refer to British subjects shall extend also to Zanzibar subjects, but in so far only as by Treaty, Convention, grant, usage, or other lawful means Her Majesty has jurisdiction in Zanzibar in relation to Zanzibar subjects.

3. Article 8 of the Order of 1884 is hereby amended, and from and after the commencement of this Order Chapter XXXIII of the Act therein referred to as the Code of Criminal Procedure (Act X of 1882), which relates to criminal proceedings against Europeans and Americans, shall not be applicable to Zanzibar.

4. The Order of 1884, and the Orders amending the same, shall be read and construed as if the expression "Consular Judge" had been substituted for "Judicial Assistant" wherever that expression occurs, provided that if the Consular Officer heretofore acting as

* Vol. LXXXII, page 656.

† Vol. LXXV, page 639.

‡ Vol. LXXIX, page 1060.

Judicial Assistant is appointed to be Consular Judge, all past acts of that officer as Judicial Assistant shall have the same validity as if on the commencement of the Order of 1884 he had been appointed to be Consular Judge.

5.—(1.) The Secretary of State may appoint one of Her Majesty's Consular Officers in and for Zanzibar to be Assistant Consular Judge, and the Consul-General may, in case of emergency, appoint one of such officers to act temporarily as and for such Assistant Consular Judge.

(2.) Subject to the provisions of this Order, and to any directions of the Secretary of State, the Assistant Consular Judge shall have and exercise all the same powers and jurisdiction which under this Order, and the Order of 1884, can be exercised by the Consular Judge.

6. So much of Article 9 of the Order of 1884 as relates to the Judicial Assistant is hereby repealed, and in the application of the Code of Criminal Procedure and other enactments in that Article referred to, the Assistant Consular Judge shall be deemed to be the Magistrate of the district, and the Consular Judge shall be deemed to be a Joint or Additional Sessions Judge.

7. The powers conferred upon the Consul-General by Article 2 of the Order of 1888 shall extend, and be deemed to have extended, to regulations for enforcing the observance of any Treaty, Convention, or International Agreement to which Her Majesty is, or may hereafter be, a party, whether the Sultan of Zanzibar is or is not a party thereto.

8. A copy of this Order shall forthwith be affixed and exhibited in the Public Office of the Consulate at Zanzibar, and the day on which it is so exhibited is herein referred to as the commencement of this Order, provided that any appointment authorized by this Order may be made at any time after its passing.

9. Save as by this Order provided, expressions used in this Order and in the Order of 1884 have the same meaning as in that Order.

And the Right Honourable the Earl of Rosebery, K.G., one of Her Majesty's Principal Secretaries of State, is to give the necessary directions herein.

C. L. PEEL.

BRITISH ORDER IN COUNCIL, providing for the Exercise of Her Majesty's Jurisdiction in the Pacific Islands.—Windsor, March 15, 1893.

At the Court at Windsor, the 15th day of March, 1893.

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY.

Lord President.

Lord Chamberlain.

Mr. Bryce.

WHEREAS by the 2nd and 6th sections of "The British Settlements Act, 1887,"* it is enacted as follows:—

"2. It shall be lawful for Her Majesty the Queen in Council from time to time to establish all such laws and institutions, and constitute such Courts and officers, and make such provisions and regulations for the proceedings in the said Courts and for the administration of justice, as may appear to Her Majesty in Council to be necessary for the peace, order, and good government of Her Majesty's subjects and others within any British settlement.

"6. For the purposes of this Act, the expression 'British possession' means any part of Her Majesty's possessions out of the United Kingdom, and the expression 'British settlement' means any British possession which has not been acquired by cession or conquest, and is not for the time being within the jurisdiction of the Legislature, constituted otherwise than by virtue of this Act or of any Act repealed by this Act, of any British possession."

And whereas there are in the Pacific Ocean certain islands and places which are, or may hereafter become, British settlements within the meaning of the said Act;

And whereas there are also in the Pacific Ocean certain islands or places which are, or may hereafter come, under the protection of Her Majesty;

And whereas by Treaty, grant, usage, sufferance, or other lawful means Her Majesty has, or may have, power and jurisdiction in the said last-mentioned islands and places;

And whereas by "The Pacific Islanders Protection Act, 1872,"† provision is made for the prevention and punishment of criminal outrages upon natives of islands in the Pacific Ocean, not being in Her Majesty's dominions, nor within the jurisdiction of any civilized Power;

* Vol. LXXVIII, page 824.

† Vol. LXII, page 1201.

And whereas by the 6th and 7th sections of "the Pacific Islanders Protection Act, 1875,"* it is enacted as follows:—

"6. It shall be lawful for Her Majesty to exercise power and jurisdiction over her subjects within any islands and places in the Pacific Ocean not being within Her Majesty's dominions, nor within the jurisdiction of any civilized Power, in the same and as ample a manner as if such power or jurisdiction had been acquired by the cession or conquest of territory, and by Order in Council to create and constitute the office of High Commissioner in, over, and for such islands and places, or some of them, and by the same or any other Order in Council to confer upon such High Commissioner power and authority, in her name and on her behalf, to make regulations for the government of her subjects in such islands and places, and to impose penalties, forfeitures, or imprisonments for the breach of such regulations.

"It shall be lawful for Her Majesty, by Order in Council, to create a Court of Justice with civil, criminal, and Admiralty jurisdiction over Her Majesty's subjects within the islands and places to which the authority of the said High Commissioner shall extend, and with power to take cognizance of all crimes and offences committed by Her Majesty's subjects within any of the said islands and places, or upon the sea, or in any haven, river, creek, or place within the jurisdiction of the Admiralty; and Her Majesty may, by Order in Council, from time to time direct that all the powers and jurisdiction aforesaid, or any part thereof, shall be vested in, and may be exercised by, the Court of any British Colony designated in such Order, concurrently with the High Commissioner's Court or otherwise, and may provide for the transmission of offenders to any such Colony for trial and punishment, and for the admission in evidence on such trial of the depositions of witnesses taken in such islands and places as aforesaid, and for all other matters necessary for carrying out the provisions of such Order in Council.

"It shall also be lawful for Her Majesty, by any Order or Orders in Council, from time to time to ordain for the government of Her Majesty's subjects, being within such islands and places, any Law or Ordinance which to Her Majesty in Council may seem meet, as fully and effectually as any such Law or Ordinance could be made by Her Majesty in Council for the government of Her Majesty's subjects within any territory acquired by cession or conquest.

"The person for the time being lawfully acting in the capacity of High Commissioner, and any Deputy Commissioner, duly appointed and empowered under the provisions of any such Order in Council as aforesaid, and acting under the directions of the High Commissioner, shall have and may exercise and perform any power, authority,

jurisdiction, and duty vested in, or imposed upon, any British Consular Officer by the principal Act or by any other Act having reference to such Consular Officers, passed either before or after the passing of this Act; and every such Act shall be construed as if the said High Commissioner and Deputy Commissioner were named therein in addition to a British Consular Officer.

“7. Nothing herein or in any such Order in Council contained shall extend or be construed to extend to invest Her Majesty, her heirs or successors, with any claim or title whatsoever to dominion or sovereignty over any such islands or places as aforesaid, or to derogate from the rights of the tribes or people inhabiting such islands or places, or of Chiefs or Rulers thereof, to such sovereignty or dominion.”

And whereas by “The Foreign Jurisdiction Act, 1890,”* and otherwise, Her Majesty has jurisdiction in the aforesaid islands and places not being within Her Majesty’s dominions, nor within the jurisdiction of any civilized Power;

And whereas by the 1st, 2nd, and 5th sections of “The Foreign Jurisdiction Act, 1890,” it is enacted as follows:—

“1. It is, and shall be, lawful for Her Majesty the Queen to hold, exercise, and enjoy any jurisdiction which Her Majesty now has, or may at any time hereafter have, within a foreign country in the same and as ample a manner as if Her Majesty had acquired that jurisdiction by the cession or conquest of territory.

“2. Where a foreign country is not subject to any Government from whom Her Majesty the Queen might obtain jurisdiction in the manner recited by this Act, Her Majesty shall, by virtue of this Act, have jurisdiction over Her Majesty’s subjects for the time being resident in or resorting to that country, and that jurisdiction shall be jurisdiction of Her Majesty in a foreign country within the meaning of the other provisions of this Act.

“5.—(1.) It shall be lawful for Her Majesty the Queen in Council, if she thinks fit, by order to direct that all or any of the enactments described in the first Schedule to this Act, or any enactments for the time being in force amending or substituted for the same, shall extend, with or without any exceptions, adaptations, or modifications in the Order mentioned, to any foreign country in which for the time being Her Majesty has jurisdiction.

“(2.) Thereupon those enactments shall, to the extent of that jurisdiction, operate as if that country were a British possession, and as if Her Majesty in Council were the Legislature of that possession.”

And whereas Her Majesty hath power by Order in Council to make laws for the Colony of Fiji;

* Vol. LXXXII, page 656.

And whereas the following Orders in Council have been made under the powers by "The Pacific Islanders' Protection Act, 1875,"* or otherwise in Her Majesty vested, that is to say :—

The Western Pacific Orders in Council of 1877† and 1879;‡

The Western Pacific Order in Council of 1880;§

And whereas it is expedient to amend and consolidate the said Orders in Council, and to make further provision for the purposes in the recited Acts mentioned :

Now, therefore, Her Majesty, by virtue and in exercise of the powers in this behalf, by "The British Settlements Act, 1887," the Pacific Islanders Protection Acts, and "The Foreign Jurisdiction Act, 1890," or otherwise, in Her Majesty vested, is pleased, by and with the advice of her Privy Council, to order, and it is hereby ordered, as follows :—

1. This Order may be cited as "The Pacific Order in Council, 1893."

2. This Order is divided into Parts as follows :—

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PART I.—INTERPRETATION AND APPLICATION.

3. In this Order, unless the subject or context otherwise requires,—

"Secretary of State" means one of Her Majesty's Principal Secretaries of State ;

* Vol. LXVI, page 234.

† Vol. LXX, page 277.

‡ Vol. LXVIII, page 325.

§ Vol. LXXI, page 294.

“Supreme Court” means the Supreme Court of Fiji;

“Chief Justice” means the Chief Justice for the time being of the Supreme Court of Fiji;

“Resident” means having a fixed place of abode in one of the islands or places to which this Order applies;

“Native” means any person not being a British subject or a foreigner;

“Treaty” includes Convention and Agreement in the nature of a Treaty or Convention, and every other engagement or instrument of a political character, together with every instrument annexed thereto or agreed to in pursuance thereof;

“Crime” or “offence” includes any crime or offence, and any act punishable criminally, in a summary way or otherwise;

“Prosecutor” means complainant or any person appointed or allowed by a Court to prosecute;

“Month” means calendar month;

“Pound” means pound sterling;

“Will” means will, codicil, or other testamentary instrument;

“Office copy” means a copy, either made under direction of a Court, or produced to the proper officer of a Court, for examination with the original, and examined by him therewith, and in either case sealed with the seal of the Court as evidence of correctness;

“Oath and affidavit,” and words referring thereto, or to swearing, may be construed to include affirmation and declaration, and to refer thereto, or to the making of an affirmation or declaration, where an affirmation or declaration is admissible in lieu of an oath or affidavit;

“Proved” means shown by evidence on oath, in the form of affidavit, or other form, to the satisfaction of a Court, or of the member or officer thereof acting or having jurisdiction in the matter;

“Proof” means the evidence adduced in that behalf;

“Person” includes Corporation;

“Vessel” includes a ship or boat;

The plural includes the singular, and the singular the plural, and the masculine the feminine;

“Prescribed” means prescribed or directed by a Secretary of State, or prescribed or directed by any Court authority or person having power in relation to the matter in respect of which the expression is used, or prescribed or directed by any Rules or Regulations made under this Order.

4. The limits of this Order shall be the Pacific Ocean, and the islands and places therein, including—

(a.) Islands and places which are for the time being British Settlements;

(b.) Islands and places which are for the time being under the protection of Her Majesty ;

(c.) Islands and places which are for the time being under no civilized Government.

But exclusive (except as in this Order expressly provided in relation to any particular matter) of—

(1.) Any place within any part of Her Majesty's dominions, or the territorial waters thereof, which is for the time being within the jurisdiction of the Legislature of any British possession :

(2.) Any place for the time being within the jurisdiction or Protectorate of any civilized Power.

5: In islands and places which are not British Settlements, or under the protection of Her Majesty, jurisdiction under this Order shall be exercised (except only as in this Order otherwise expressly provided) only over Her Majesty's subjects, and any foreigners or natives, in so far as by reason of being, or having been, on board a British ship or otherwise, they have come under a duty of allegiance to Her Majesty, and their property and personal and proprietary rights and obligations.

6. Until otherwise directed by a Secretary of State as hereinafter provided, jurisdiction under this Order shall be exercised only in relation to the following parts of the limits of this Order, that is to say—

(1.) The groups of islands, with the dependencies and territorial waters thereof, known as—

The Friendly Islands ;

The Navigators Islands ;

The Union Islands ;

The Phœnix Islands ;

The Ellice Islands ;

The Gilbert Islands ;

The Solomon Islands, so far as they are not within the jurisdiction of the German Empire ;

The Santa Cruz Islands.

(2.) Any seas, islands, and places which are not excluded by the 4th Article of this Order, and are situate in the Western Pacific Ocean, that is to say, within the following limits :—

North, from 140° east longitude by the parallel 12° north latitude to 160° west longitude, thence south to the Equator, and thence east to 149° 30' west longitude ;

East, by the meridian of 149° 30' west longitude ;

South, by the parallel 30° south latitude ;

West, by the meridian 140° east longitude.

Provided that the Secretary of State from time to time, by any instructions given to the High Commissioner, and published as the

Secretary of State thinks fit, may direct that jurisdiction under this Order may be exercised in relation to any parts of the limits of this Order not herein specified, or that any part of the limits of this Order shall, until otherwise directed, be excepted from the application of this Order.

Provided also that, in relation to the Navigators Islands, this Order is subject to the provisions of the Final Act of the Conference on the Affairs of Samoa, signed at Berlin, the 14th June, 1889.*

PART II.—CONSTITUTION OF COURTS AND HIGH COMMISSION.

7.—(1.) The office of High Commissioner created and constituted by the recited Orders in Council shall continue, and the High Commissioner shall continue to be styled Her Britannic Majesty's High Commissioner for the Western Pacific, and shall have an official seal as heretofore.

(2.) The High Commissioner shall be appointed by commission under the sign-manual. He may be suspended by the Secretary of State by writing under his hand.

(3.) During a vacancy in the office of the High Commissioner, or during suspension of the High Commissioner, or in case of his incapacity by reason of illness or otherwise, all the powers of the High Commissioner shall be vested in such person as Her Majesty appoints under her sign-manual, or, failing any such appointment, then in the person for the time being discharging the functions of Chief Justice of Fiji.

(4.) Subject to the provisions of this Order as to the places at which Courts are to be held, and subject to any direction by the Secretary of State, the High Commissioner may exercise any of his powers, including his powers for making orders of prohibition and removal, although at the time of exercising them he is not within the limits of this Order.

(5.) Her Majesty may from time to time appoint by commission under the sign-manual any person to be Her Majesty's Special Commissioner for the Western Pacific. Subject to any restrictions contained in his commission, a Special Commissioner shall have and exercise during Her Majesty's pleasure the powers and jurisdiction of the High Commissioner within such part of the limits of this Order as is specified in his commission. The appointment of a Special Commissioner shall not limit or affect any power or jurisdiction of the High Commissioner.

(6.) Subject to any restrictions contained in his commission, or prescribed from time to time by the Secretary of State, the High Commissioner may from time to time, by writing under his hand and

* Vol. LXXXI, page 1058.

seal, appoint a Judicial Commissioner or a Deputy Commissioner to represent him in the exercise of any of his powers, or during his absence from the limits of this Order or from Fiji, with or without any limitations or conditions, and the Commissioner so appointed shall, for the purposes for which he is appointed, have and exercise the powers of the High Commissioner, and shall be styled Assistant High Commissioner. Any such appointment may be revoked by the High Commissioner by writing under his hand and seal. The appointment of an Assistant High Commissioner shall not limit or affect any power or jurisdiction of the High Commissioner.

An Assistant High Commissioner shall not exercise any of his powers except within the limits of this Order or in Fiji.

8.—(1.) The Chief Justice, and every other Judge for the time being of the Supreme Court, shall be, by virtue of his office, a Judicial Commissioner for the Western Pacific for the purposes of this Order, and is in this Order referred to as a Judicial Commissioner.

(2.) Where, in the opinion of the High Commissioner, the attendance of a Judicial Commissioner holding office as aforesaid is impracticable, or would be inconvenient, the High Commissioner may from time to time, in the name and on behalf of Her Majesty, by writing under his hand and seal, appoint a person of legal knowledge and experience to be a Judicial Commissioner for particular purposes or for a particular time.

(3.) Every Judicial Commissioner shall, for the purposes of so much of section 6 of the Pacific Islanders Protection Act of 1875 as relates to Deputy Commissioners, be deemed to be, and shall by virtue of this Order be, a Deputy Commissioner duly appointed and empowered under the provisions of this Order, and acting under the directions of the High Commissioner.

(4.) A Judicial Commissioner shall not be deemed to be a Deputy Commissioner within any other Article of this Order unless it be in any Article expressly provided that for the purposes of that Article a Judicial Commissioner shall be deemed to be a Deputy Commissioner.

9.—(1.) There shall be such number of deputies of the High Commissioner, each of whom shall be styled one of Her Majesty's Deputy Commissioners for the Western Pacific, as a Secretary of State from time to time directs.

(2.) Every Deputy Commissioner shall be appointed in the name and on behalf of Her Majesty by the High Commissioner, by writing under his hand and seal.

(3.) Where, in the opinion of the High Commissioner, the attendance of a Deputy Commissioner appointed as aforesaid is impracticable, or would be inconvenient, the High Commissioner

may from time to time, in the name and on behalf of Her Majesty, by writing under his hand and seal, appoint any officer holding Her Majesty's commission, or any other person, a Deputy Commissioner for a particular purpose, or for a particular time and district.

(4.) A Deputy Commissioner shall be liable to be suspended or removed by the High Commissioner by writing, under his hand and seal, stating the grounds of suspension or removal, and the same shall be reported forthwith to the Secretary of State.

(5.) The appointment of a Deputy Commissioner shall not be affected by any vacancy or change in the office of High Commissioner.

10. Except as otherwise expressed in this Order, expressions referring to a Commissioner include the High Commissioner, and any Special Commissioner, and any Judicial Commissioner, and any Deputy Commissioner, and any expression referring to a High Commissioner, or a Judicial Commissioner, or a Deputy Commissioner respectively, includes a person lawfully acting as such, whether assistant or deputy, or under any special or local appointment or otherwise, and any expression referring to a High Commissioner includes a Special Commissioner.

11. Every person who, at the commencement of this Order, holds office as High Commissioner, or Assistant High Commissioner, or as a Judicial Commissioner, or Deputy Commissioner, shall continue to hold office as if he had been appointed under this Order, and shall be subject to all the provisions of this Order accordingly.

12. The Court created by the recited Orders in Council shall continue, and be styled as heretofore Her Britannic Majesty's High Commissioner's Court for the Western Pacific, and shall have a seal as heretofore, and shall be a superior Court of Record and a Court of Law and Equity.

The members of the Court shall be the High Commissioner, the Judicial Commissioners, and the Deputy Commissioners. The Court shall continue and be competent to act for all purposes, notwithstanding any vacancy or vacancies therein.

13. All Her Majesty's judicial jurisdiction exercisable within the limits of this Order shall, subject and according to the provisions of this Order, be vested in and exercised by the High Commissioner's Court.

For additional certainty Her Majesty expressly directs that jurisdiction in respect of all matters and questions arising under the Pacific Islanders Protection Acts, 1872 and 1875, shall be vested in and exercised by the High Commissioner's Court.

14.—(1.) The whole jurisdiction and authority of the High Commissioner's Court may, subject and according to the provisions of this Order, be exercised by the High Commissioner or by a

Judicial Commissioner either within any island or place to which this Order applies (whether or not any Deputy Commissioner has been assigned thereto) or in Fiji.

(2.) The whole or any part of the jurisdiction and authority of the High Commissioner's Court may, subject and according to the provisions of this Order, be exercised in relation to any district, as herein defined, by a Deputy Commissioner, being authorized by the terms of his appointment, to act for and in respect of that district, and being within that district.

(3.) The term "district" in this Order means the particular district for and in respect of which a Deputy Commissioner is assigned to act.

(4.) Each member of the High Commissioner's Court exercising, for the time being, the jurisdiction and authority thereof in conformity with this Order shall, for the purposes of this Order, be deemed to form the High Commissioner's Court.

(5.) The term "the Court" in this Order includes and applies to every member so exercising jurisdiction and authority.

(6.) Subject to any directions of the Secretary of State, the High Commissioner from time to time, by writing under his hand, may define districts, and declare the islands and places to be comprised therein, and may prescribe an official name or designation of any such district, and appoint a place or places therein at which the Court may be held, and assign a Deputy Commissioner to act in respect thereof, and prescribe a seal of the Court for such district.

(7.) The Court, when held in and for any such district, is in this Order referred to as a "District Court."

(8.) Any Deputy Commissioner who has been or may be appointed generally may hold a District Court at any place within the limits of this Order, provided that he shall not hold such Court within a district for which a Deputy Commissioner is appointed, except in case of the illness or absence of such Deputy Commissioner, or in case of emergency, or with the previous sanction of the High Commissioner.

15. The Supreme Court shall be the Court of Appeal for the purposes of this Order.

The Supreme Court, or a Judge thereof sitting in Fiji, shall also have original jurisdiction to hear and determine in Fiji any civil or criminal cause or matter arising at any place within the limits of this Order, and may (subject as hereinafter provided), as it thinks just, proceed either according to the procedure for the time being in use in Fiji or according to the procedure under this Order.

16.—(1.) Subject to the directions of the Secretary of State, the High Commissioner may from time to time appoint and remove

Registrars, clerks, bailiffs, interpreters, or other officers of the High Commissioner's Court, and may prescribe their duties.

(2.) Any Commissioner, and also any Registrar or officer of the Court designated in this behalf by the High Commissioner, shall have power to administer oaths and take affidavits, declarations, and affirmations.

(3.) Any Commissioner may, subject to any directions as aforesaid, appoint any person temporarily to perform, with or without remuneration, in relation to any particular cases or matters, the duties of a Registrar or other officer.

17. Writs of summons, warrants, orders, or other instruments issuing from a Court, or by this Order or by any Rules or Regulations required to be sealed, shall be sealed with the seal of the Court, or signed by a Commissioner with his ordinary signature and his official description. No proof shall be required of any such seal, signature, or description. Any such signature shall have the same effect as a seal.

18. Any officer holding Her Majesty's commission, and being in command of any of Her Majesty's ships, or acting for the purposes of this Article with the written consent of the officer in command of any such ship, may, within the limits of this Order, exercise any of the powers following, that is to say :—

(1.) He may exercise any power which can be exercised by a Deputy Commissioner for the purpose of enforcing the attendance or apprehension of any person alleged to have committed an offence, and for the purpose of taking a preliminary examination and committing such person for trial.

(2.) He may, with the consent in writing of such person in any case in which the offence is triable without assessors, hear and determine the case summarily, and for that purpose may exercise any of the powers of a Deputy Commissioner.

(3.) He may, in any case, take any depositions on oath, and transmit them to any Court acting under this Order, and thereupon such Court may, if it think fit, issue its summons or warrant for the attendance or apprehension of any person appearing by such depositions to have been guilty of any offence.

(4.) He may apprehend and cause to be conveyed within the local jurisdiction of any Court acting under this Order any person against whom a warrant has been issued by any Court acting under this Order, and may do so without being in possession of such warrant.

(5.) He may authorize any person under his command to aid and assist him in exercise of any of the powers aforesaid in his presence or otherwise.

(6.) He may, with the consent in writing of the parties to any

civil dispute, exercise any of the powers which can be exercised by a Deputy Commissioner, either by way of conciliation or arbitration, or by way of judicial determination.

Provided—

(1.) That in all cases in which an officer exercises any power or jurisdiction under this section he shall, so soon as may be, report the particulars of the case, with signed Minutes of the proceedings, to the nearest Court or to the High Commissioner.

(2.) That the High Commissioner may in any case, on such terms as he thinks just, vary or revoke any order or determination made under this Article, and may direct a rehearing of any matter by such Court as he thinks convenient.

An officer acting in good faith in the supposed exercise of powers under this Article shall have all the like immunities and protection as a Commissioner acting under this Order in a matter within his jurisdiction.

19. Nothing in this Order shall affect any power or jurisdiction of any Court, authority, or person under the Act of the 9th Geo. IV, cap. 83, or under any other Act of Parliament or Act or Ordinance of any of Her Majesty's possessions for the time being in force.

PART III.—GENERAL LAW.

20. Subject to the other provisions of this Order, the civil and criminal jurisdiction exercisable under this Order shall, so far as circumstances admit, be exercised upon the principles of and in conformity with the substance of the law for the time being in force in and for England, and with the powers vested in and according to the course of procedure and practice observed by and before Courts of Justice and Justices of the Peace in England, according to their respective jurisdictions and authorities.

21. Except as to crimes or offences made or declared such by this Order, or by any regulation or rule made under it—

Any act other than an act that would by a Court of Justice having criminal jurisdiction in England be deemed a crime or offence, making the person doing such act liable to punishment in England, shall not, in the exercise of criminal jurisdiction under this Order, be deemed a crime or offence, making the person doing such act liable to punishment.

22. The provisions of any Treaty with Her Majesty or her successors for the time being in force with respect to any place within the limits of this Order shall have effect as part of the law to be enforced under this Order in relation to such place, and in case of inconsistency between such provisions and the law in force

in England, or anything contained in this Order, effect shall be given to such provisions.

23. Crimes, offences, wrongs, and breaches of contract against or affecting the person, property, or rights of natives or foreigners committed by persons subject to this Order are, subject to the provisions of this Order, punishable or otherwise cognizable, in the same manner as if they were committed against or affected the person, property, or rights of British subjects.

PART IV.—GENERAL POWERS OF COURT AND GENERAL PROCEDURE.

24. The High Commissioner or the Supreme Court may from time to time admit fit persons to practise in the Court as barristers and solicitors, or in either of those capacities, and may from time to time, subject to the approval of the Secretary of State, make rules for regulating the admission of persons to practise as aforesaid.

25. In any matter, civil or criminal, a District Court within whose district (in civil matters) the matter of complaint wholly or in part arose or happened, or the subject in dispute is wholly or partly situate, or the contract in question was wholly or partly made, or the breach thereof wholly or partly occurred, or the defendant resides or carries on business, or (in criminal matters) the crime was wholly or partly committed, or the accused person happens to be, shall have jurisdiction, and may deal with the case as if every material fact or thing had happened or was situate within its district; but any such Court, if, in its opinion, justice or convenience so requires, may decline or suspend the exercise of jurisdiction, and may, if it thinks necessary or just, require security from the defendant or accused person for his appearance before some other Court having jurisdiction in the matter, and for obedience to any judgment or order of such other Court, and further, in a criminal case, if necessary, may arrest and commit the accused person, and cause him to be removed under warrant and in custody, to be dealt with by such other Court.

26. A Court acting under this Order shall have power to rehear any civil matter, and to review its judgments or orders in any civil case in which, in the opinion of the Court, justice so requires, on such terms as to costs and otherwise as the Court thinks just.

27.—(1.) The High Commissioner may, if he thinks fit, on the application of any party to any civil proceeding before a Deputy Commissioner, order a rehearing thereof before himself, with the Deputy Commissioner before whom it was heard, or with any other Deputy Commissioner.

(2.) If, on the rehearing, there is a difference of opinion between

the High Commissioner and the Deputy Commissioner sitting with him, the opinion of the High Commissioner shall prevail.

(3.) The provisions of this Order respecting a hearing shall extend, as far as may be, to such a rehearing.

Minutes.

28. In every case, civil or criminal, proper Minutes of the proceedings shall be drawn up, and shall be signed by the Judge or officer before whom the proceedings are taken, and sealed with the seal (if any) of the Court, and shall, where assessors are present, be open for their inspection and for their signature if concurred in by them.

The Minutes, with depositions of witnesses and notes of evidence taken at the trial by the Judge or officer, shall be preserved in the public office of the Court, or as the High Commissioner directs.

Registrar.

29. Any Registrar of the Court, or person acting as Registrar, and any other officer of the Court designated in this behalf by the Judge of the Court, may administer oaths and take affidavits, declarations, and affirmations.

30. The Judge of the Court shall be and act as the Registrar of the Court if there is no other person appointed to be Registrar there.

Costs, Fees, &c.

31. In a civil case the Court may order such cost or costs, charges, and expenses, as to the Court seems reasonable, to be paid by any party to the proceedings, or out of any fund to which the proceedings relate.

32. All costs and all charges and expenses of witnesses, prosecutions, punishments, and deportations, and other charges and expenses, and all fees, fines, forfeitures, and pecuniary penalties payable under this Order, and all judgments, may be enforced by arrest or by distress and seizure and sale of ships, goods, and lands, and, in default of sufficient distress, by imprisonment; and no bill of sale, or mortgage, or transfer of property, made with a view to security in regard to crimes committed, shall be of any avail to defeat any provision of this Order.

Imprisonment in default of distress shall not, except as may be provided by rules of procedure made under this Order, operate as a discharge or satisfaction.

33. Where money ordered by the Court to be paid is due for seamen's wages, or is other money recoverable under the

Merchant Shipping Acts or other law relating to ships, and the person ordered to pay has not paid as ordered, the Court, in addition to other powers for compelling payment, shall have power to direct that the amount unpaid be levied by seizure and sale of the ship.

Arbitration and Reconciliation.

34. The Court may promote reconciliation, and encourage and facilitate the settlement in an amicable way of any suit or proceeding pending before it.

The Court may, with the consent of the parties, refer to arbitration the final determination of any suit or proceeding pending before it, or of all matters in difference between the parties, on such terms and with such directions as to appointment of an Arbitrator and other things as may seem fit, and may, if he thinks fit, take from the parties, or any of them, security to abide by the result of the reference.

In any such case the award shall be final and conclusive.

On the application of any party a decree of the Court may be entered in conformity with the award, and such decree shall not be open to any appeal or rehearing whatever, except on the ground that it is not in conformity with the award.

Every agreement for reference to arbitration or submission to arbitration by consent may, on the application of any party, be made a rule of a Court having jurisdiction in the matter of the reference or submission, which Court shall thereupon have power and authority to enforce the agreement or submission and the award made thereunder, and to control and regulate the proceedings before and after the award in such manner and on such terms as may be just.

Informalities.

35. No proceeding under this Order shall be invalidated by any informality, mistake, or omission so long as, in the opinion of any Court before which any question arises, the essential requisites of law and justice have been complied with, or may be met by amendment.

PART V.—SPECIAL POWERS (BANKRUPTCY, ADMIRALTY, PROBATE, DIVORCE, &C.).

Bankruptcy.

36. The Court shall be a Court of Bankruptcy, and as such shall, as far as circumstances admit, have, with respect to persons

subject to the jurisdiction of the Court and to their debtors and creditors, all such jurisdiction as, for the time being, belongs to any judicial authority having for the time being jurisdiction in bankruptcy in England.

Admiralty.

37. "The Colonial Courts of Admiralty Act, 1890,"* shall apply to the Court.

Jurisdiction under the said Act shall not be exercised by a Deputy Commissioner unless with the previous consent of the High Commissioner, but such consent may be given generally or for a specified time in relation to a specified district.

The third sub-section of section 16 of the said Act (relating to Rules of Court) shall apply as if the limits of this Order were a British possession.

Probate.

38. The Court shall be a Court of Probate, and as such shall, as far as circumstances admit, have for and within its jurisdiction, with respect to the property of persons subject to the jurisdiction of the Court, appearing to the Court to have at the time of death their fixed places of abode in the jurisdiction of the Court, all such jurisdiction as for the time being belongs to any Court exercising probate jurisdiction in England.

Probate or administration granted by a Court shall have effect over all the property of the deceased within the jurisdiction, and shall effectually discharge persons dealing with an executor or administrator thereunder, and that notwithstanding any defect afterwards appears in the grant.

Such a grant shall not be impeachable by reason only that the deceased had not at the time of his death his fixed place of abode within the jurisdiction.

39. Any person having in his possession or under his control any paper or writing of a deceased person subject to the jurisdiction of the Court, being or purporting to be testamentary, shall forthwith deliver the original to the Court and deposit it there.

Any person neglecting to do so for fourteen days after having knowledge of the death of the deceased shall be liable to such penalty, not exceeding 50*l.*, as the Court thinks fit to impose.

40. From the death of a person subject to the jurisdiction of the Court, having at the time of death his fixed place of abode in the jurisdiction of a Court, intestate, until administration granted, his personal property in the jurisdiction of the Court shall be vested in the Judge of the Court.

* Vol. LXXXII, page 672.

41. If any person, other than a Commissioner or officer of the Court, takes possession of or in any manner administers any part of the personal property of any person deceased without obtaining probate or administration within three months after the death of the deceased, or within one month after the determination of any suit or dispute respecting probate or administration (if there is any such which is not ended within two months after the death of the deceased), he shall be liable to such penalty, not exceeding 100*l.*, as the Court having jurisdiction in the matter of the property of the deceased thinks fit to impose; and in every such case the same fees shall be payable by the person so administering as would have been payable by him if he had obtained probate or administration.

42. Where a person subject to the jurisdiction of the Court not having at the time of death his fixed place of abode in the jurisdiction of a Court dies there, the Court within whose jurisdiction he dies shall, where the circumstances of the case appear to the Court so to require, forthwith on the death of the deceased, or as soon after as may be, take possession of his personal property within the jurisdiction, or put it under the seal of the Court (in either case, if the nature of the property or other circumstances so require, making an inventory), and so keep the property until it can be dealt with according to law.

43.—(1.) In a case of apparent intestacy, where the circumstances of the case appear to the Court so to require, for reasons recorded in the Minutes, the Court may, if it thinks fit, of its own motion, or otherwise, grant administration to the Judge or an officer of the Court.

(2.) Any officer so appointed shall act under the direction of the Court, and shall be indemnified thereby.

(3.) A commission of $2\frac{1}{2}$ per cent. on the gross value may be charged on an estate administered under this Article.

(4.) All expenses incurred on behalf of the Court in the execution of this Article and the said commission shall be the first charge on the personal property of the deceased in the district of the Court; and the Court shall, by sale of part of that property or otherwise, provide for the discharge of those expenses and the payment of the said commission.

44. Where it appears to the Court that the value of the property or estate of a deceased person does not exceed 100*l.*, the Court may, without any probate or letters of administration, or other formal proceeding, pay thereout any debts or charges, and pay, remit, or deliver any surplus to such persons and in such manner as the High Commissioner from time to time directs, and shall not be liable to any action, suit, or proceedings in respect of anything done under this Article.

45.—(1.) Where probate, administration, or confirmation is granted in England, Ireland, or Scotland, and therein, or by a Memorandum thereon signed by an officer of the Court granting the same, the testator or intestate is stated to have died domiciled in England, Ireland, or Scotland (as the case may be), and the probate, administration, or confirmation is produced to and a copy thereof is deposited with the Court, the Court, by a Judicial Commissioner, shall write thereon a certificate of that production and deposit; and thereupon the probate, administration, or confirmation shall, in respect of the personal property within the limits of this Order of the testator or intestate, have the like effect as if he had been resident within the limits of this Order at his death and probate or administration to his personal property there had been granted by the Court.

(2.) Any person who, in reliance on an instrument purporting to be a probate, administration, or confirmation granted in England, Ireland, or Scotland, and to bear such certificate of the Court, makes or permits any payment or transfer, in good faith, shall be, by virtue of this Order, indemnified and protected in respect thereof, within the limits of this Order, notwithstanding anything affecting the validity of the probate, administration, or confirmation.

46.—(1.) A person claiming to be a creditor or legatee, or the next of kin, or one of the next of kin, of a deceased person, may apply for and obtain a summons from the Court requiring the executor or administrator (as the case may be) of the deceased to attend before the Court and show cause why an order for the administration of the property of the deceased should not be made.

(2.) On proof of service of the summons, or on appearance of the executor or administrator, and on proof of all such other things (if any) as the Court thinks fit, the Court may, if it thinks fit, make an immediate order for the administration of the property of the deceased.

(3.) The Court shall have full discretionary power to make or refuse or postpone the making of any such order, or to give any special directions respecting the carriage or execution of it; and in the case of applications for such an order by two or more different persons or classes of persons, to grant the same to such one or more of the claimants, or classes of claimants, as the Court thinks fit.

(4.) If the Court thinks fit, the carriage of the order may subsequently be given to such person, and on such terms as the Court thinks fit.

(5.) On making such an order, or at any time afterwards, the Court may, if it thinks fit, make any further or other order for compelling the executor or administrator to bring into Court

for safe custody, all or any part of the money or securities, or other property of the deceased, from time to time coming to his hands, or otherwise for securing the safe-keeping of the property of the deceased, or any part thereof.

(6.) If the extreme urgency or other peculiar circumstances of the case appear to the Court so to require (for reasons recorded in the Minutes), the Court may of its own motion issue such a summons and make orders and cause proper proceedings to be taken thereon.

Divorce.

47. The Court shall be a Court for matrimonial causes, and as such shall, as far as circumstances admit, have in itself with respect to residents subject to the jurisdiction of the Court all such jurisdiction as for the time being belongs to the High Court of Justice in England in matrimonial causes.

Jurisdiction under this Article shall be exercised only by the High Commissioner or a Judicial Commissioner or the Supreme Court.

Lunacy.

48. The Court, by a Judicial Commissioner, shall, as far as circumstances admit, have in itself exclusively, with respect to residents subject to the jurisdiction of the Court, all such jurisdiction relative to the custody and management of the persons and estates of persons of unsound mind, as for the time being belongs to the Lord Chancellor or other person or persons in England intrusted by virtue of the Queen's sign-manual with the care and commitment of the custody of the persons and estates of persons found by inquisition in England, idiot, lunatic, or of unsound mind.

PART VI.—CRIMINAL LAW AND PROCEDURE.

49. The crimes punishable under this Order are:—

(1.) Any acts or omissions which are for the time being punishable in England on indictment with death, penal servitude, or imprisonment, as treasons, felonies, or misdemeanours;

(2.) Acts or omissions by this Order, or by any regulations made by virtue of this Order, declared to be punishable as offences against this Order.

50. In case an act or omission is punishable both as a crime under the law in force in England and as an offence against this Order, the accused person may be tried and punished for such act or omission either as a crime as aforesaid, or as an offence against this Order, but he shall not be liable to be tried or punished in both ways.

51. Any person may be proceeded against, tried, and punished under this Order for the crime of piracy wheresoever committed.

Offences against this Order.

52. If any person subject to the jurisdiction of the Court does any of the following things without Her Majesty's authority, that is to say :—

Levies war, or takes any part in any operation of war against, or aids or abets any person in carrying on war, insurrection, or rebellion against any King, Chief, tribe, or power, every person so offending shall be deemed guilty of an offence against this Order, and, on conviction thereof, shall be liable (in the discretion of the Court before which he is convicted) to be punished by imprisonment for any term not exceeding two years, with or without hard labour, and with or without a fine not exceeding 1,000*l.*, or by a fine not exceeding 1,000*l.* without imprisonment, and any vessels, arms, munitions of war, stores, or other things used or provided for the purposes of an offence against this Article may be seized, and may by any Court having cognizance of the offence be declared to be and thereupon shall be forfeited to Her Majesty.

In addition to such punishment, every such conviction shall of itself, and without further proceedings, make the person convicted liable to deportation, and the Court before which he is convicted may order that he be deported to such place as the Court directs.

53. A person shall be deemed guilty of an offence against this Order—

(1.) Who wilfully or knowingly acts in contravention of any Treaty as defined in this Order, or of any regulations appended thereto;

(2.) Who acts in contravention of any of the Queen's Regulations to be made under this Order, or of any rules or regulations for the time being in force made under the authority of the recited Orders in Council;

(3.) Who, without reasonable and lawful excuse (proof of which shall lie on the accused person), endangers peace by disturbing any religious ceremony or observance, or publicly insulting any minister of any religion, or violating or insulting any place or object of religious worship, or doing any other act of a similar nature, whether in relation to any native or other form of religion or superstition.

54. A person shall be deemed guilty of an offence against this Order—

Who smuggles or imports into or exports from any place any

goods with intent to avoid payment of any duty payable thereon to any recognized Chief, or King, Government, tribe, or people, or any goods the importation or exportation whereof (as the case may be) into such place is prohibited by any such Chief, King, Government, tribe, or people of such place.

A person convicted of an offence against this Article shall be liable to imprisonment for any term not exceeding three months, or fine not exceeding 50*l.*, or both of those punishments; and any goods smuggled or imported in contravention of this Article may, on conviction of the offender, or if he absconds or evades trial, be declared forfeited to Her Majesty, together with any ship, boat, cask, case, or receptacle, wholly or partly belonging to the offender, and containing such goods.

55. If any person subject to the criminal jurisdiction of the Court does any of the following things, namely:—

(1.) Wilfully, by act or threat, obstructs any officer of or person executing any process of the Court in the performance of his duty; or

(2.) Within or close to the room or place where the Court is sitting wilfully misbehaves in a violent, threatening, or disrespectful manner to the disturbance of the Court, or to the intimidation of suitors or others resorting thereto; or

(3.) Wilfully insults any member of the Court, or any assessor, or any person acting as a clerk or officer of the Court during his sitting or attendance in Court, or in his going to or returning from Court; or

(4.) Does any act in relation to the Court or a Judge thereof, or a matter pending therein, which, if done in relation to a Superior Court in England, would be punishable as a contempt of such Court, or as a libel on such Court, or the Judges thereof, or the administration of justice therein;

Such person shall be liable to be apprehended by order of the Court with or without warrant, and on inquiry and consideration, and after the hearing of any defence which such person may offer, without further process or trial, to be punished with a fine not exceeding 10*l.*, or with imprisonment not exceeding twenty-four hours. A Minute shall be made and kept of every such case of punishment recording the facts of the offence and the extent of the punishment, and a copy of the Minute shall be forthwith sent to the High Commissioner.

Provided that, if the Court thinks fit, instead of proceeding under the preceding provisions, it may direct or cause the offender to be tried in a separate criminal prosecution or proceeding in which the offender shall be liable to be tried and punished for his offence as an offence against this Order.

Nothing herein shall interfere with the power of the Court to remove or exclude persons who interrupt or obstruct the proceedings of the Court.

56. If any person, subject to the criminal jurisdiction of the Court, does any act or makes any publication of such kind, and under such circumstances, that, in the opinion of the Court, grave danger to public order is thereby occasioned, the Court shall have the same powers as it has in relation to apprehended breaches of the peace.

57. If any clerk or officer of the Court acting under pretence of the process or authority of the Court is charged with extortion or with not duly paying any money levied, or with other misconduct, the Court may (without prejudice to any other liability or punishment to which the clerk or officer would, in the absence of the present provision, be liable) inquire into the charge in a summary way, and for the purpose summon and enforce the attendance of all necessary persons in like manner as the attendance of witnesses and others may be enforced in a suit, and may make such order thereupon for the repayment of any money extorted, or for the due payment of any money levied, and for the payment of such damages and costs as the Court thinks just; and the Court may also, if it thinks fit, impose such fine upon the clerk or officer, not exceeding 100*l.* for each offence, as seems just.

58. The Court shall have jurisdiction to make an order requiring a person to contribute in such manner as the Court directs to the support of his wife or child, whether legitimate or not, being, in the opinion of the Court, under the age of 16 years. Any such Order may be made in a summary way as if the neglect to provide for the support of such wife or child were an offence against this Order, and a failure to comply with any such Order shall be deemed to be an offence against this Order, and shall be punishable accordingly, and the Court may direct any penalty imposed for such offence to be applied for the support of such wife or child in such manner as the Court thinks fit.

59. Where any act or omission is by virtue of this Order, or of any regulation made under this Order, an offence against this Order, and no penalty or punishment is specified in respect thereof, such offence shall be punishable with imprisonment, for not exceeding six months, or fine not exceeding 100*l.*, or both.

Criminal Procedure.

60. The Court may cause to be apprehended and brought before it any person within and subject to the jurisdiction of the Court, and charged with having committed a crime triable by the Court,

and may deal with the accused according to the jurisdiction of the Court and in conormfity with the provisions of this Order; or where the crime is triable, and is to be tried in Her Majesty's dominions, may take the preliminary examination, and commit the accused for trial, and cause or allow him to be taken to the place of intended trial.

61.—(1.) Where a person, subject to the criminal jurisdiction of the Court, is charged with an offence on a summons or warrant issuing out of the Court, he shall be brought before the Court within forty-eight hours after service of the summons or execution of the warrant, unless, in any case, circumstances unavoidably prevent his being brought before the Court within that time, which circumstances shall be recorded in the Minutes.

(2.) In every case he shall be brought before the Court as soon as circumstances reasonably admit, and the time and circumstances shall be recorded in the Minutes.

62.—(1.) Where an accused person is in custody, he shall not be remanded at any time for more than seven days, unless circumstances appear to the Court to make it necessary or proper that he should be remanded for a longer time, which circumstances, and the time of remand, shall be recorded in the Minutes.

(2.) In no case shall a remand be for more than fourteen days at one time, unless in case of illness of the accused person or other case of necessity.

63. Except in cases of murder, an accused person may be admitted to bail at any stage of the proceedings.

64. Where the offence charged is one of the following, it shall be in the discretion of the Court to admit the accused to bail or not, according to the circumstances, namely :—

Felony (not being murder);

Riot;

Assault on an officer of the Court in the execution of his duty, or on any person acting in his aid;

Neglect or breach of duty by an officer of the Court.

65. In all other cases except murder the Court shall admit the accused to bail, unless in any instance the Court, having regard to the circumstances, see good reason to the contrary, which reason shall be recorded in the Minutes.

66. Where a person is charged before a Court elsewhere than in Fiji with a crime punishable with death or penal servitude for seven years or upwards, the Court, on being satisfied by information or evidence on oath that there is reasonable ground for putting such person upon his trial for such crime, shall, if arrangement can be made for his trial at or near the place where he is charged by a Judicial Commissioner, arrange accordingly, or otherwise shall cause

him to be removed for trial before the Supreme Court in Fiji, if the Court is satisfied that the attendance of the necessary witnesses for the prosecution and defence respectively in Fiji can be secured, but in any case other than as aforesaid shall commit him for trial.

In case a person is so removed for trial, the provisions of "The Foreign Jurisdiction Act, 1890," section 6, or any enactment substituted for the same, shall be observed.

Where a person is, under or by reason of any provision of this Order, tried in Fiji or elsewhere in Her Majesty's dominions for an offence alleged to have been committed within the limits of this Order, the criminality of the alleged offence and the nature and amount of the punishment to which the person is liable shall be determined according to this Order; but in all other respects the trial shall be had and sentence passed and executed as if the offence had been committed at the place of trial, and according to the ordinary course of law at that place.

67. In the case of any crime other than as in the last preceding Article mentioned, and which is by the law administered in the Court punishable with imprisonment for twelve months or upwards, or with any greater punishment, it shall be in the discretion of the Court, regard being had to all the circumstances of the case, and in particular to the practicability of procuring the necessary witnesses for the prosecution and defence to attend at a trial elsewhere than within the jurisdiction of the Court, either to cause the accused person to be removed for trial as in the last preceding Article mentioned, or to commit him for trial.

In the case of any such crime, where it appears to the Court at any time before the trial that the charge, if proved, would be adequately punished by a sentence either of imprisonment for a term not exceeding six months, with or without hard labour, or of a money penalty not exceeding 50*l.*, the Court, if it thinks fit, may try the case summarily, with or without assessors.

68. A person tried elsewhere than in Fiji for a crime to which either of the two last preceding Articles applies shall, if practicable, be tried by the Court with assessors, unless he consents to be tried summarily without assessors.

69. A person charged with a crime which is not punishable with imprisonment for twelve months or upwards, or with any greater punishment, or charged with an offence against this Order, shall be tried with assessors, or summarily without assessors, as the Court thinks fit.

70. In every case in which a person is to be tried summarily without assessors, the Court shall proceed to try him, without any commitment or other preliminary formality, forthwith or after such

adjournment as may be proper for the purpose of obtaining evidence for the prosecution or defence, or for any other purpose.

71.—(1.) Every Court and authority in imposing and inflicting punishments shall have regard, so far as circumstances admit, and subject to the other provisions of this Order, to the punishments imposed by the law of England in like cases, and to the mode in which the same are inflicted in England.

(2.) The Court may in addition to, or in lieu of, any other punishment order any person convicted before it of any crime or offence to enter into a recognizance and find sureties to keep the peace or be of good behaviour or otherwise, and may, in default of compliance with the order, sentence such person to be imprisoned for any period not exceeding six months.

72. The Court may order any person convicted before it of any crime or offence to pay all or any part of the expenses of, or preliminary to, his trial, and of his imprisonment or other punishment.

Where it appears to the Court that any charge made before it is malicious, or is frivolous and vexatious, the Court may order all or any part of the expenses of the prosecution to be paid by the person making the charge.

In either of the two last-mentioned cases, the amount ordered to be paid shall be deemed a debt due to the Crown, and may, by virtue of the order, without further proceedings, be levied on the property of the person convicted or making the charge, as the case may be, or may be enforced by imprisonment for not exceeding one month or until payment.

73.—(1.) The Court may, if it thinks fit, order a person convicted of an assault to pay to the person assaulted, by way of damages, any sum not exceeding 20*l*.

(2.) Damages so ordered to be paid may be either in addition to, or in lieu of, a fine, and shall be recoverable in like manner as a fine.

(3.) The person convicted shall not be liable to an action for the assault.

74. If, on a trial, the Court is of opinion that the accused attempted to commit the offence with which he is charged, but did not complete it, he shall not be therefore acquitted, but the Court may find him guilty of the attempt, and may adjudge him to be punished as if he had been charged with the attempt.

He shall not be liable to be afterwards prosecuted for the offence.

75. If, on the trial of a person charged with robbery, the Court is of opinion that the accused committed an assault with intent to rob, but did not commit robbery, he shall not be therefore

acquitted, but the Court may find him guilty of the assault, and may adjudge him to be punished as if he had been charged with the assault.

He shall not be liable to be afterwards prosecuted for the assault.

76. If, on a trial for any of the following offences, namely, burglary, or stealing in a dwelling-house, or breaking and entering and stealing in a shop, warehouse, or counting-house, or a building within the curtilage of a dwelling-house, or larceny, or feloniously receiving property stolen, embezzled, or otherwise feloniously taken, obtained, or disposed of, the facts proved authorize a conviction for one of those offences, not being the offence charged, the Court may find the accused guilty of that other offence, and may adjudge him to be punished as if he had been charged with that other offence.

He shall not be liable to be afterwards prosecuted for that other offence.

77. If any person procures or endeavours to procure or incites any other person to commit a crime or offence, he shall be punishable, on conviction, in the same manner as if he were convicted of an attempt to commit that crime or offence. If the crime or offence is actually committed in pursuance of the procurement or incitement, both persons may be tried and punished for that crime or offence as principal offenders.

78. Sentences of imprisonment shall be carried into effect in such prisons and in such manner as the High Commissioner from time to time directs.

If there be no such prison, or if, by reason of the condition of any such prison, or the state of health of the prisoner, or on any other ground, the Court thinks that the sentence ought not to be carried into effect in such prison, the prisoner shall, by warrant, be removed in custody to Fiji, there to undergo his sentence.

Any sentence of imprisonment under this Order may be with or without hard labour, as the Court directs.

A sentence of death shall be carried into effect in Fiji.

When a person is sent to Fiji for execution of a sentence of death or imprisonment, the provisions of the 7th section of "The Foreign Jurisdiction Act, 1890," or any enactment substituted for the same, shall be observed.

79. It shall be lawful for the Court from time to time, by order or warrant, to appoint any vessel, building, or place specified in such order or warrant to be a prison for any purpose of this Order, either generally or in relation to a particular case, or for a limited time, and to appoint such persons as the Court thinks fit to be gaolers, keepers, or officers of any such prison.

80. The High Commissioner may remit or commute, in whole or in part, any sentence of the Court, and may suspend the execution of any sentence other than of the Court when held before a Judicial Commissioner.

In every case of sentence of death the Minutes of the trial shall be transmitted to the High Commissioner, and the sentence shall not be carried into effect until confirmed by him.

When the Court held otherwise than before the High Commissioner or a Judicial Commissioner sentences a person to imprisonment exceeding six months, or fine exceeding 100*l.*, or in any other case, if a Secretary of State by any general or particular instruction so directs, or if the High Commissioner so directs, the sentence shall be submitted to the Court of Appeal for review in the manner hereafter in this Order prescribed.

81. Where a sentence is under this Order submitted for review, the Court shall transmit a copy of the Minutes of the case, sealed with the seal of the Court, and the notes of evidence, with such observations as it thinks necessary, and the Court of Appeal shall return the Minutes, with such instructions as they think fit to give, either as to findings of fact, or as to law, or as to mitigation or alteration of sentence, and the Court shall give effect to such instructions.

Pending the review of a sentence, the Court may suspend the execution of the sentence, but is not obliged so to do unless so directed by the Court of Appeal, or by a Secretary of State, or the High Commissioner. In either case the Court may (unless otherwise directed) take such security by way of bail or otherwise, and, if necessary, by commitment to prison for safe custody, as it thinks necessary for submission to the ultimate sentence.

82. Where a person charged with having committed a crime or offence in the jurisdiction of one District Court escapes or removes from that jurisdiction, and is found within the jurisdiction of another Court, the Court within the jurisdiction of which he is found may proceed in the case to examination, indictment, trial, and punishment, or in a summary way (as the case may require), in the same manner as if the crime or offence had been committed in its own jurisdiction; or may, on the requisition or with the consent of the Court of the jurisdiction in which the crime or offence is charged to have been committed, send him in custody to that Court, or require him to give security for his surrender to that Court, there to answer the charge and be dealt with according to law.

Where any person is to be sent in custody a warrant shall be issued by the Court within the jurisdiction of which he is found, and such warrant shall be sufficient authority to any person to whom it is

directed to receive and detain the person therein named, and to carry him to and deliver him up to the Court of the jurisdiction within which the crime or offence was committed, according to the warrant.

83. Where a warrant or order of arrest is issued by a competent authority in Her Majesty's dominions for the apprehension of any person within and subject to the jurisdiction of the Court who is charged with having committed a crime or offence within the jurisdiction of the authority issuing the warrant or order, and who is, or is supposed to be, in the jurisdiction of a Court, and the warrant or order is produced to the Court, the Court may back the warrant or order; and the same, when so backed, shall be sufficient authority to any person to whom the warrant or order was originally directed, and also to any constable or other officer of the Court by which it is backed, to apprehend the accused at any place where the Court by which the warrant or order is backed has jurisdiction, and to deliver him on board any ship into the custody of any person having authority to receive and carry him in custody to Her Majesty's dominions.

84.—(1.) In cases of murder or manslaughter, if either the death or the criminal act which wholly or partly caused the death happened within the jurisdiction of a Court acting under this Order, such Court shall have the like jurisdiction over any person subject to the jurisdiction of the Court who is charged either as the principal offender or as accessory before the fact to murder, or as accessory after the fact to murder or manslaughter, as if both such criminal act and the death had happened within such jurisdiction.

(2.) In the case of any crime committed on the high seas, or within the Admiralty jurisdiction, by any person on board a British ship, or any British subject on board a foreign ship to which he did not belong, a Court acting under this Order shall have jurisdiction as if the crime had been committed within the district of such Court. In cases tried under this provision no different sentence can be passed from the sentence which could be passed in England if the crime were tried there.

(3.) The foregoing provisions of this Article shall be deemed to be adaptations, for the purposes of this Order and of "The Foreign Jurisdiction Act, 1890,"* or any Act substituted for the same, of the following enactments described in the first Schedule to that Act (that is to say):—

"The Admiralty Offences (Colonial) Act, 1849;"†

"The Admiralty Offences (Colonial) Act, 1860;"‡

"The Merchant Shipping Act, 1867," § section 11.

* Vol. LXXXII, page 656.

† 23 & 24 Vict., c. 122.

‡ 12 & 13 Vict., c. 96.

§ Vol. LXVI, page 711.

And the said enactments shall, so far as they are repeated and adapted by this Article (but not further or otherwise), extend to all places within the limits of this Order.

85. "The Fugitive Offenders Act, 1881,"* shall apply to the limits of this Order as if such limits were a British possession, subject to the provisions following, that is to say:—

(1.) The High Commissioner or a Judicial Commissioner or a Deputy Commissioner is, for the purposes of the said Act, substituted, within the limits of this Order, for the Governor of a British possession and for a Superior Court in a British possession or a Judge thereof, and for a Magistrate or Justice of the Peace in a British possession.

(2.) The 4th, 5th, and 6th sections of the said Act shall, within the limits of this Order, be subject to the following qualifications:—

(a.) Any report under the 4th section shall be made to the High Commissioner, or, if the provisional warrant under that section is issued by him, no such report shall be made;

(b.) Any certificate or report under the 5th section shall be sent to the High Commissioner, or, if the committal is made by him, no such certificate or report shall be sent;

(c.) So much of the 5th section as relates to the information to be given by the Magistrate to a fugitive shall be excepted, and in lieu of such information the person acting as the Magistrate shall inform the fugitive that in Fiji or any other British possession to which he may be conveyed, he has the right to apply for a writ of *habeas corpus* or other like process;

(d.) So much of the 6th section as requires the expiration of fifteen days before the issue of a warrant shall be excepted;

(3.) Before the issue of a warrant for the return of a fugitive to a British possession, evidence may be required that the proceedings to obtain such return are taken with the consent of the Governor of that possession.

(4.) For the purposes of Part II of the said Act, the whole of the limits of this Order and Fiji shall be deemed to be one group of British possessions, and any particular district constituted under this Order shall be deemed to be a British possession in such group.

(5.) The expression "offence punishable on indictment" in the said Act includes any offence for which imprisonment for six months or upwards can be inflicted under this Order or under the laws in force in a British possession to which this Article applies.

The foregoing provisions of this Article shall be deemed to be

adaptations for the purposes of this Order, and of "The Foreign Jurisdiction Act, 1890," or any Act substituted for the same, and of "The Fugitive Offenders Act, 1881."

86. "The Colonial Prisoners Removal Act, 1884,"* shall apply to the limits of this Order as if the same were a British possession and part of Her Majesty's dominions, subject as follows:—

The High Commissioner shall be substituted for the Governor of a British possession.

87. Nothing in this Order shall be deemed to affect Her Majesty's prerogative of pardon.

PART VII.—APPEALS.

88. In civil matters an appeal shall lie from a Court to the Court of Appeal by the leave of the Court, or without such leave where leave is given by the Court of Appeal.

The appeal shall be brought within such time and in such manner, as regards the form and transmission of the appeal and as to stay of execution and otherwise, as may be prescribed by any rules of procedure made under this Order, or as in any case by any special leave or order the said Court of Appeal may direct.

A Court may, before deciding any civil matter, state a case in writing for the opinion of the Court of Appeal, and shall give effect to such opinion, and when a case has been so stated, no appeal shall be brought against the decision of the Court in conformity therewith unless by leave of the Court of Appeal.

As regards matters not provided for by this Article, the procedure on appeal in the Court of Appeal may be the same as the ordinary procedure of that Court upon the hearing of any application for a new trial, or upon a case stated or reserved for the opinion of the Court, and the judgment or order of such Court in the appeal shall be certified under its seal to the Court which shall give effect thereto.

The decision of a Court of Appeal under this Order shall be subject to appeal to Her Majesty in Council, in the same manner and on the same conditions as to the amount involved and otherwise as any other decision of the same Court of Appeal.

PART VIII.—EVIDENCE.

89.—(1.) In any case, criminal or civil, and at any stage thereof, the Court, either of its own motion, or on the application of any party, may summon any person subject to the jurisdiction of the

* Vol. LXXV, page 1095.

Court to attend to give evidence, or to procure documents, or to be examined.

(2.) If the person summoned, having reasonable notice of the time and place at which he is required to attend, fails to attend and be sworn, and give evidence, or produce documents, or submit to examination accordingly, and does not excuse his failure to the satisfaction of the Court, he shall be guilty of an offence against this Order.

(3.) A person punished under this Article shall not be liable to an action in respect of the same matter; and any such action, if begun, shall be stayed by the Court in such manner and on such terms as the Court thinks fit.

90.—(1.) In a criminal case, where it is proved that a person subject to the jurisdiction of the Court is likely to give material evidence, either for the prosecution or for the defence, and that he will not voluntarily attend to give evidence, the Court may issue a summons for his attendance.

(2.) If he does not obey the summons, and does not excuse his failure to the satisfaction of the Court, then, after proof of service of the summons, the Court may issue a warrant to compel his attendance.

(3.) Where it is proved that he will not attend to give evidence unless compelled to do so, the Court may issue a warrant in the first instance.

91. In civil cases any Court may, where the circumstances appear to justify it, order that the expenses of a witness, on his appearing to give evidence, shall be defrayed by the parties or any of them.

92. Any person appearing before a Court to give evidence in any case, civil or criminal, may be examined or give evidence on oath in the form, or with the ceremony, that he declares to be binding on his conscience.

93. Any person subject to the jurisdiction of the Court wilfully giving false evidence in any suit or proceeding, civil or criminal, or on any arbitration, or in any affidavit, shall be deemed guilty of wilful and corrupt perjury.

94. Judicial notice shall be taken of this Order, and of the commencement thereof, and of the appointment of any Commissioner or Deputy or Assistant Commissioner or other officers, and of the constitution and limits of any jurisdiction, Court, or district, and of judicial or official seals and signatures, and of any Rules or Regulations made or in force under this Order, and no proof shall be required of any of such matters.

95. Every signature or seal affixed to any instrument purporting to be the signature of any officer or person acting under this Order,

or to be the seal of any of Her Majesty's Courts, shall, for all purposes under this Order, without any proof thereof, be presumed to be genuine, and shall be taken as genuine until the contrary is proved.

96. A person attending to give evidence before the Court, or the Court of Appeal, shall not be compelled or allowed to give any evidence or produce any document if, in the opinion of the High Commissioner signified by him personally or in writing to the Court, the giving or production thereof would be injurious to Her Majesty's service.

97.—(1.) The provisions of "The Evidence Act, 1851,"* 14 & 15 Vict., cap. 99, sections 7 and 11, relating to the proof of judicial and other documents, shall extend and be applied for all purposes as if the limits of this Order were a British Colony.

(2.) The following Acts, namely:—

"The Foreign Tribunals Evidence Act, 1856,"†

"The Evidence by Commission Act, 1859,"‡

"The Evidence by Commission Act, 1885,"§

or so much thereof as is for the time being in force, and any enactment for the time being in force amending, or substituted for, the same are hereby extended to all places and Courts to which this Order applies, with the adaptations following, namely:—

In the said Acts the Court is hereby substituted for a Supreme Court or a Judge of a Court in a Colony.

(3.) The following Acts, namely:—

"The British Law Ascertainment Act, 1859,"||

"The Foreign Law Ascertainment Act, 1861,"¶

or so much thereof as is for the time being in force, and any enactment for the time being in force amending, or substituted for, the same are hereby extended to all places and Courts to which this Order applies, with the adaptations following, namely:—

In the said Acts the Court is hereby substituted for a Superior Court in a Colony.

PART IX.—ASSESSORS.

98. Where a Court proceeds, in pursuance of this Order, to hear and determine any case, civil or criminal, with assessors, the Court shall nominate and summon as assessors not less than two and not more than four indifferent persons subject to the jurisdiction of the Court, of good repute, resident in the district of the Court, or belonging to a British ship.

* Vol. XL, page 852.

† 22 Vict., c. 20.

‡ 22 & 23 Vict., c. 63.

† Vol. XLVI, page 559.

§ Vol. LXXVI, page 500.

¶ Vol. LII, page 731.

Where, however, by reason of local circumstances, the Court is able to obtain the presence of one fit person only as assessor, the Court may sit with him alone as assessor, and where, for like reasons, the Court is not able to obtain the presence of any fit person as assessor, the Court may (notwithstanding anything in this Order) sit without an assessor, but in every such case the Court shall record in the Minutes of Proceedings its reasons for sitting with one assessor only, or without an assessor.

An assessor shall not have voice or vote in the decision of the Court in any case, civil or criminal, but an assessor dissenting in a civil case from any decision of the Court, or in a criminal case from any decision of the Court, or the conviction, or the amount of punishment awarded, may record in the Minutes of Proceedings his dissent and the grounds thereof, and an assessor dissenting shall be entitled to receive gratis a certified copy of the Minutes.

99. Where a suit relates to money, goods, or other property of a less amount or value than 300*l.*, and does not relate to or involve, directly or indirectly, a question respecting any matter at issue of the amount or value of 300*l.* or upwards, and is not brought for recovery of damages of a greater amount than 300*l.*, the Court may hear and determine the case without assessors.

In all other civil cases the Court (subject to the provisions of this Order respecting inability to obtain an assessor) shall hear and determine the case with assessors.

100. If any person summoned to act as assessor fails, without lawful excuse, to attend at the trial, or at any adjournment thereof, or to continue to serve throughout the trial, he shall be liable, under a summary order of the Court, to a fine not exceeding 10*l.*, to be levied by attachment and sale of his goods within the district, and in default of recovery thereby of the fine, to be imprisoned for any time not exceeding six days, if the fine is not sooner paid.

PART X.—RULES OF PROCEDURE.

101. The High Commissioner, with the assent of a Judicial Commissioner, may from time to time frame Rules for any purpose for which it is in this Order expressed or implied that Rules of procedure or practice are to be made, and the execution of judgments or orders, and for the regulation of appeals in civil and in criminal cases, and of rehearings, and generally for the purpose of making any provision proper or necessary for the proper or effectual exercise of the jurisdiction of Courts under this Order, and may thereby impose reasonable penalties, and may provide for the enforcement of any judgment or order by imprisonment for not exceeding one month.

Rules affecting the conduct of civil suits shall be so framed as to secure, as far as may be, that cases shall be decided on their merits according to substantial justice, without excessive regard to technicalities of pleading or procedure, and without unnecessary delay.

Rules framed under this Article shall have effect unless and until they are disapproved by a Secretary of State, and notification of such disapproval is received and published by the High Commissioner.

The Rules, Regulations, and Forms contained in the Schedule to this Order may be used with such modifications as circumstances require, and shall be deemed to have been duly made and approved under this Order, but may be altered in the same manner as other Rules made under this Order.

102. Provision may, amongst other things, be made by Rules under this Order authorizing the Court to grant and enforce search warrants, and to enforce awards, and to enforce by distress, or by attachment or commitment, judgments or orders of the Court, or payment of any damages, costs, penalties, fines, or forfeitures, and for the sale of things forfeited, and for garnishee process, and for attachments of property in order to compel appearance or submission to the jurisdiction or process of the Court, and authorizing the Court to compel, by fine, distress, or recognizance, or, in default of security, by commitment, the attendance of witnesses before the Court, or before a Colonial or English Court to which a case is sent for trial, and to fix and enforce the fees to be taken in respect of any proceedings under this Order, and to take and transmit depositions of witnesses for use at trials in a Colony or in England, and to appoint forms of indictment or charge in criminal proceedings. Provided that the scales of all fees fixed under the provisions of this Order shall have been sanctioned by the Commissioners of Her Majesty's Treasury.

103. The Scale of Fees contained in the Schedule to this Order shall be deemed to have been duly fixed and sanctioned under this Order, but may be altered in the same manner as other fees fixed under this Order.

104. A copy of the Rules for the time being in force shall be kept exhibited conspicuously in each Court-house.

Printed copies shall be provided and sold at such reasonable price as the High Commissioner from time to time directs.

105. No penalty shall be enforced in any Court for the breach of any Rule until the Rule has been so exhibited in the Court for one month, unless the person offending is proved to have had express notice of the Rule.

106. A printed copy of any Rule, purporting to be certified

under the hand of the High Commissioner or Judicial Commissioner, shall be for all purposes conclusive evidence of the due framing, approval, and publication of the contents thereof.

107. From and after the commencement of any Rules made under this Order, all Rules and Regulations theretofore in force in respect of the same matters in respect whereof Rules are made under this Order shall cease to operate.

PART XI.—TREATIES AND QUEEN'S REGULATIONS.

108. The High Commissioner shall have power to make, alter, and revoke Regulations (to be called Queen's Regulations) for the following purposes, that is to say :—

(1.) For securing the observance of any Treaty for the time being in force relating to any place to which this Order applies, or of any native or local law or custom, whether relating to trade, commerce, revenue, or any other matter.

(2.) For the peace, order, and good government of persons subject to the jurisdiction of the Court within the limits of this Order in relation to matters not provided for by this Order, including the prohibition and punishment of acts tending to disturb the peace between native Chiefs, tribes, or populations.

(3.) For requiring Returns to be made of the nature, quantity, and value of articles exported from or imported into any place within which jurisdiction is for the time exercised under this Order, or any part thereof, by or on account of any person subject to the jurisdiction of the Court, or in any British ship, and for prescribing the times and manner at or in which, and the persons by whom, such Returns are to be made.

(4.) For the governance, visitation, care, and superintendence of prisons.

(5.) For registration of British subjects in accordance with the provisions of this Order, and prescribing the Court in which such registration is to be made.

Any Regulations under this Article may provide for forfeiture of any goods, receptacles, or things in relation to which, or to the contents of which, any breach is committed of such Regulations, or of any Treaty or any native or local law or custom, the observance of which is provided for by such Regulations.

Any Regulations made under this Article shall be published in the like manner in which this Order is herein directed to be published, and shall, from and after the expiration of one month from the commencement of such publication, and thereafter until disallowed by a Secretary of State, have effect as if contained in this Order.

Any Rules or Regulations heretofore made under the authority of any Order in Council repealed by this Order, and which are in force at the time of the commencement of this Order, and which are not expressly repealed by this Order, shall, notwithstanding the repeal of that Order, continue in force until revoked by the High Commissioner, but shall be subject to the provisions of this Order, and so far as they are inconsistent with any provisions of this Order, or with any Regulations or Rules made under this Order, this Order, and any Regulations or Rules made under it, shall have effect.

A breach of any such Regulations shall be deemed to be an offence against this Order, and shall be punishable accordingly, in addition to any forfeiture as aforesaid.

PART XII.—FOREIGNERS AND FOREIGN COURTS.

Suits by or against Foreigners.

109.—(1.) Where a foreigner desires to institute or take a suit or proceeding of a civil nature against a British subject, or a British subject desires to institute or take a suit or proceeding of a civil nature against a foreigner, the Court may entertain the suit or proceeding, and hear and determine it (and if all parties desire, or the Court directs, a trial with assessors, then with assessors) at a place where such a trial might be had if all parties were British subjects, and in all other respects according to the ordinary course of the Court.

(2.) Provided that the foreigner—

(i.) First files in the Court his consent to the jurisdiction of the Court; and

(ii.) Also, if required by the Court, obtains and files a certificate in writing from a competent authority of his own Government, to the effect that no objection is made by that Government to the foreigner submitting in the particular cause or matter to the jurisdiction of the Court; and

(iii.) Also, if required by the Court, gives security to the satisfaction of the Court, to such reasonable amount as the Court directs, by deposit of money or otherwise, to pay fees, costs, damages, and expenses, and to abide by and perform the decision to be given by the Court or on appeal.

(3.) A counter-claim or cross suit cannot be brought or instituted in the Court against a plaintiff, being a foreigner, who has submitted to the jurisdiction, by a defendant, except by leave of the Court first obtained.

(4.) The Court, before giving leave, requires proof from the defendant that his claim arises out of the matter in dispute, and that there is reasonable ground for it, and that it is not made for vexation and delay.

(5.) Nothing in this Article prevents the defendant from instituting or taking in the Court against the foreigner, after the termination of the suit or proceeding in which the foreigner is plaintiff, any suit or proceeding that the defendant might have instituted or taken in the Court against the foreigner if no provision, restraining counter-claims, or cross suits had been inserted in this Order.

(6.) Where a foreigner obtains in the Court an order against a defendant, being a British subject, and in another suit that defendant is plaintiff and the foreigner is defendant, the Court may, if it thinks fit, on the application of the British subject, stay the enforcement of the order pending that other suit, and may set off any amount ordered to be paid by one party in one suit against any amount ordered to be paid by the other party in the other suit.

(7.) Where a plaintiff, being a foreigner, obtains in the Court an order against two or more defendants, being British subjects, jointly, and in another suit one of them is plaintiff and the foreigner is defendant, the Court may, if it thinks fit, on the application of the British subject, stay the enforcement of the order pending that other suit, and may set off any amount ordered to be paid by one party in one suit against any amount ordered to be paid by the other party in the other suit without prejudice to the right of the British subject to require contribution from his co-defendants under the joint liability.

(8.) Where a foreigner is co-plaintiff in a suit with a British subject who is within the particular jurisdiction, it is not necessary for the foreigner to make deposit or give security for costs unless the Court so directs, but the co-plaintiff British subject is responsible for all fees and costs.

The foregoing provisions of this Article shall take effect only in places within the limits of the Order which are not British Settlements, or under the protection of Her Majesty.

Foreign Tribunals.

110.—(1.) Where it is shown to the Court that the attendance of any person subject to the jurisdiction of the Court to give evidence, or for any other purpose connected with the administration of justice, is required in a native or foreign Court, or before a native or foreign judicial officer, or in a Court, or before a judicial officer,

of any State in amity with Her Majesty, the Court may, if it thinks fit, in a case and in circumstances in which it would require his attendance before itself, order that he do attend and give evidence and produce documents as so required. The order may be made subject to conditions as to payment or tender of expenses or otherwise.

(2.) If the person ordered to attend, having reasonable notice of the time and place at which he is required to attend, fails to attend accordingly, and does not excuse his failure to the satisfaction of the Court, or if he refuses to give evidence, or wilfully gives false evidence, or fails to produce documents which he is properly required to produce, he is, independently of any other liability, guilty of an offence against this Order, and for every such offence, on conviction thereof by summary trial, is liable to a fine not exceeding 100*l.*, or to imprisonment for not exceeding one month, in the discretion of the Court.

PART XIII.—DEPORTATION, PROHIBITION, AND REMOVAL.

111.—(1.) Where a person is convicted before the Court of any crime or offence, the Court may, in addition to or in lieu of any other sentence, order him to give security to the satisfaction of the Court, by recognizance, deposit of money, or otherwise, for future good behaviour, and, in default of such security, may order him to be deported forthwith, or after undergoing any other sentence which may be passed upon him, to a place named in the order.

(2.) The place shall be either in Fiji or in some other part of Her Majesty's dominions out of the United Kingdom, the Government whereof have consented to the reception therein of persons deported under the provisions of this Order.

(3.) Where, upon or without any complaint or charge made, it appears to a Court that there is reason to believe that any person is about to commit a breach of the peace, or that his conduct is likely to produce or excite a breach of the peace, or that he is about to commit an offence against the Pacific Islanders Protection Acts, 1872 and 1875, the Court may order him to give security, as above mentioned, for peace and good behaviour, and, in default, may order him to be deported as aforesaid.

(4.) An order for deportation shall be executed in the manner provided by this Order.

(5.) The Court, as part of an order for deportation, may order that the person to be deported pay all or any part of the expenses of his deportation, or an amount specified in the order.

(6.) A report of every order for deportation, stating the grounds thereof and the proceedings thereunder, shall forthwith be made to

the High Commissioner (unless the order was made by him), and to a Secretary of State.

(7.) An order for deportation may be in the form set forth in the Schedule hereto, or to the like effect, and may be expressed to be in force for a time to be limited therein, or for an unlimited time.

(8.) If a person deported returns within the limits of this Order while the order for deportation is in force without the written consent of the High Commissioner or of a Secretary of State, which consent may be given subject to any terms as to security for good behaviour or otherwise, he is guilty of an offence against this Order, and in addition to any other punishment for such offence he may be deported on a fresh warrant under the original order or under a new order.

(9.) An order for deportation may at any time be remitted by the High Commissioner or by the Secretary of State.

(10.) Where it is shown by information on oath to the satisfaction of the High Commissioner that any British subject is disaffected to Her Majesty's Government, or that any person subject to the jurisdiction of the Court has committed, or is about to commit, an offence against the Pacific Islanders Protection Acts, 1872 and 1875, or is otherwise dangerous to peace and good order within the limits of this Order, the High Commissioner may, if he thinks fit, by order under his hand and official seal (herein referred to as an order of prohibition), prohibit that person from being within the limits of this Order, or such part thereof as may be specified in the order of prohibition during any specified time not exceeding two years.

An order of prohibition may be in the form contained in the Schedule to this Order, or to the like effect.

A report of an order of prohibition, stating the grounds thereof, shall forthwith be made to a Secretary of State, who may remit or alter the same.

If a person against whom an order of prohibition is made acts in contravention thereof he is guilty of an offence against this Order, and in addition to or in lieu of any other punishment the Court before whom he is convicted of such offence may make an order for his deportation without making any order for giving security for peace and good behaviour.

(11.) No appeal shall lie from any order of deportation or prohibition.

112. Where a person is to be removed either for trial or for the execution of a sentence, or under an order of deportation, a warrant for the purpose shall be issued by the Judge of the Court under his hand and seal, and the person may, under such warrant, be taken to

and put on board of one of Her Majesty's ships, or some other fit ship, and shall be conveyed in such ship or otherwise to the place named in the warrant.

Pending removal, the person shall, if the Court so orders, by indorsement on the warrant, be arrested and detained in custody or in prison until an opportunity for removal occurs.

On arrival at the place named in the warrant, the person, if removed under an order of deportation, shall be discharged, or otherwise shall be handed over to the proper gaoler, constable, magistrate, or officer.

A warrant of removal is sufficient authority to the person to whom it is directed or delivered for execution, and to the person in command of any ship, and to every person acting under the warrant or in aid of any such person, to take, receive, detain, convey, and deliver the person named therein in the manner thereby directed, and generally is sufficient authority for anything done in execution or intended execution of the warrant.

A warrant of removal must be issued in duplicate, and the person executing it must, on arriving at the place named, deliver one of the duplicates with the prisoner to the proper gaoler, constable, magistrate, or officer.

PART XIV.—REGISTRATION.

113. This Part of this Order shall not be operative except in relation to any island, district, or place herein referred to as a "registration district," in relation to which it is for the time being made operative by any Queen's Regulations made under this Order.

114.—(1.) Every British subject resident in a registration district being of the age of 21 years or upwards, or being married, or a widower or widow, though under that age, must in every January register himself at the prescribed Court.

(2.) Every British subject not resident in a registration district arriving within a registration district, unless borne on the muster-roll of a British or foreign vessel, must, within one month after arrival, register himself at the prescribed Court.

(3.) But this provision does not require any person to register himself oftener than once in a year, beginning the 1st January.

(4.) The registration of a man comprises the registration of his wife, if living with him; and

(5.) The registration of the head, male or female, of a family comprises the registration of all females being relatives of such head, in whatever degree, living under the same roof with him at the time of his registration.

(6.) The Court shall yearly give to each person registered a certificate of registration, sealed with its seal.

(7.) The name of a wife, if her registration is comprised in her husband's, shall, unless in any case the Court sees reason to the contrary, be indorsed on the husband's certificate.

(8.) The names and descriptions of females whose registration is comprised in that of the head of the family shall, unless in any case the Court sees reason to the contrary, be indorsed on the certificate of the head of the family.

(9.) Every person on every registration shall pay a fee of 2*s.* 6*d.*

(10.) The amount of the fee may be uniform for all persons, or may vary according to the position and circumstances of different classes if the Secretary of State from time to time so directs, but may not in any case exceed 5*s.*

(11.) Every person by this provision required to register himself must, unless excused by the Court, attend personally for that purpose at the Court on each occasion of registration.

(12.) If any person fails to comply with the requirements of this Article, and does not excuse his failure to the satisfaction of the Court, he is guilty of an offence against this Order, and shall be liable to a fine not exceeding 5*l.*, and any Court or authority may, if it thinks fit, decline to recognize him as a British subject.

PART XV.—BIRTHS, MARRIAGES, AND DEATHS.

Past Marriages.

115. All marriages (between persons who would, if in England, be legally competent to contract marriage, and of whom one at least is a British subject) solemnized within the limits of this Order before the commencement of this Order by any minister of religion of any denomination of Christians duly appointed or ordained, or reputed to be duly appointed or ordained, shall be as valid in law as if the same had been solemnized within Her Majesty's dominions with a due observance of all forms required by law.

116. A certificate of the marriage, purporting to be signed by any minister of religion as aforesaid who solemnized the same, or a certified copy of such certificate, shall be received in all Courts of Law as evidence of such marriage at the date set forth in the said certificate.

117. Any such marriage may be registered by producing the certificate of the minister of religion aforesaid to the High Commissioner at any time within two years after the commencement of this Order; and the High Commissioner shall register the same, and

shall add the date when solemnized, together with the words “ valid from the date of solemnization under ‘ The Pacific Order in Council, 1893 ; ’ ” and an extract from the register, signed by the High Commissioner, shall be received in all Courts of Law as evidence of the marriage, as of the date, so set forth in the register.

Celebration of Marriage.

118. The High Commissioner, upon receiving a requisition from any minister of religion ordinarily officiating as such, or from the head of the denomination to which such minister belongs, stating that he is a British subject, specifying the religious denomination of such minister, and his designation and usual place of residence, together with the place where he officiates, and desiring that he may be registered as a minister for celebrating marriages in the Western Pacific, shall forthwith without fee register the name of such minister with the foregoing particulars in a register book to be kept for that purpose.

119. The High Commissioner shall from time to time furnish every minister so registered with a sufficient number of forms of the marriage certificate hereinafter mentioned.

120. If any person shall cause his name to be registered as a minister of religion ordinarily officiating as such, he being at the time not such a minister, he shall be deemed guilty of an offence against this Order.

121. Within the limits of this Order marriages between persons who would, if in England, be legally competent to contract marriages, and of whom one at least is a British subject, may be celebrated by a minister of religion ordinarily officiating as such if he be a British subject, and if his name, designation, and usual place of residence, together with the place where he officiates, is at the time of the celebration of the marriage registered in the office of the High Commissioner.

122. If any minister so registered die or depart permanently from the limits of this Order, or cease to officiate within the said limits, or be by competent authority deprived of his office of minister, the High Commissioner, upon being satisfied of the facts, shall remove the name of such minister from the register.

123. The High Commissioner shall notify in the “ Fiji Government Gazette,” or in some other public manner, the registration of every minister, and the removal of the name of any minister from the register.

124. No marriage shall be celebrated until each of the parties to the marriage shall have made the following declaration before the minister celebrating the marriage :—

I, *A. B.*, of _____, do solemnly and sincerely declare that I believe there is no impediment or lawful objection by reason of any kindred or relationship, any former marriage, or want of consent of parents or guardians, or any other lawful cause, to my being married to *C. D.*, of _____, daughter of *E. F.*, of _____.

(Signature of *A. B.*)

And I, the said *C. D.*, do solemnly and sincerely declare that I believe there is no impediment or lawful objection by any such reason or other lawful cause as aforesaid to my being married to the said *A. B.*

(Signature of *C. D.*)

Declared by both the parties above-named at _____, this _____ day of _____, 18____, before me

(Signature and designation of minister.)

125. Any person who shall wilfully make any false statement in any such declaration shall be deemed guilty of an offence against this Order.

126. Every marriage celebrated by any such minister after declaration so made shall be as valid in law as if the same had been solemnized within Her Majesty's dominions with a due observance of all forms required by law.

127. No marriage, in fact, shall be avoided by reason only of the same having been celebrated by a person not being a duly registered minister, if either of the parties to the marriage *bonâ fide* believes at the time that he was a duly registered minister.

128. The presence of two witnesses at the least is requisite for the due celebration of a marriage, and the minister, the parties to the marriage, and the witnesses shall sign in duplicate a certificate in the following form :—

I [*minister*] being [*designation*] certify that I have this day at [*place*] duly celebrated marriage between [*name, designation, and residence of husband*] and [*name, designation, and residence of wife*] after declaration duly made as required by "The Pacific Order in Council, 1893."

Dated this _____ day of _____, 18____.

A. B. [minister officiating at _____].

Signature of parties :

C. D.

E. F.

Signature of witnesses :

G. H.

L. M.

The minister shall immediately after the marriage deliver one certificate to one of the parties to the marriage, and within one month thereafter, or by the first opportunity, shall transmit the other certificate to the High Commissioner.

Any such certificate purporting to be signed by the minister who solemnized the marriage shall be received in all Courts of Law as

primâ facie evidence of such marriage at the date set forth in the certificate.

129. If any minister—

(a.) Celebrates a marriage knowing that he is not duly registered ;

(b.) Fails to transmit to the High Commissioner the certificate of any marriage celebrated by him ;

He shall be deemed guilty of an offence against this Order.

Registration of Births, Marriages, and Deaths.

130. The High Commissioner shall keep books for the registry therein of births, marriages, and deaths of British subjects occurring within the limits of this Order, and shall, as soon as possible after being informed of any such birth, marriage, or death, enter the same respectively in the books in such manner as, subject to any direction of a Secretary of State, he may think convenient.

In the case of a death the High Commissioner shall, if possible, also enter the date and place of burial.

131. A copy of the entry of any birth, marriage, or death signed by the High Commissioner shall be received in all Courts of Law as *primâ facie* evidence of the fact of such birth, marriage, or death. But no registry of any death shall be received as evidence of the fact of such death unless the burial of the person named be also registered.

132. Every person, on payment of the fees hereunder mentioned, and on stating in writing the particular entry which he desires to find, shall be entitled, at reasonable hours to be fixed by the High Commissioner, to search the books for such entry, and to have a copy of such entry certified by the High Commissioner.

133. Every search (to be paid beforehand), 5s.

Every certified copy of any entry, 2s. 6d.

134. In every case of the birth of any child of a British subject within the limits of this Order, one of the parents shall, within sixty days thereafter, and in every case of the death of any British subject within the said limits the occupier of the house or place where the death occurred, shall, within thirty days thereafter, transmit to the High Commissioner a statement of the fact and date of such birth or death ; giving also in the case of a birth the names, and, as far as possible, particulars of the name, age, and birthplace of each parent, and the name of the child ; and in the case of a death the name, age, and parentage (if known) of the deceased, stating also, as far as known, whether the deceased was married, and to whom, and at what place, together with the names and ages of any children left by the deceased.

The statement of a death must also include the date and place of burial of the deceased, verified if possible by the signatures of two witnesses present at the burial.

135. Upon the discovery of any error in the form or substance of any such entry, the High Commissioner shall correct the error by making and signing a new entry in the margin without altering the original entry, adding the date of the correction, and every certified copy of such entry shall show the original entry and the correction.

136. If any person—

(a.) Refuses or neglects to give any notice or information required by this part of this Order;

(b.) Wilfully makes or causes to be made for the purpose of being inserted in any register under this Part of this Order any false statement touching any of the particulars hereby required to be registered;

He shall be deemed guilty of an offence against this Order.

PART XVI.—OFFICIAL.

137. Except as in this Order expressly provided, nothing in this Order shall preclude any of Her Majesty's officers from performing any act, not of a judicial character, which Her Majesty's officers might by law or by virtue of usage or sufferance, or otherwise, have performed if this Order had not been made.

138. Whenever an Acting Commissioner or deputy has commenced the hearing of any cause or matter, civil or criminal, he may, unless the High Commissioner otherwise directs, continue and complete the hearing and determination thereof, notwithstanding that his authority to act has otherwise ceased by reason of the expiration of the time for which he was appointed to act, or by reason of the happening of any event by which his authority is determined.

139. Any suit or proceeding shall not be commenced in any of Her Majesty's Courts against any person for anything done or omitted in pursuance or execution or intended execution of this Order, or of any regulation or rule made under it, unless notice in writing is given by the intending plaintiff or prosecutor to the intended defendant one clear month before the commencement of the suit or proceeding, nor unless it is commenced within three months next after the act or omission complained of, or in case of a continuation of damage within three months next after the doing of such damage has ceased.

The plaintiff in any such suit shall not succeed if tender of sufficient amends is made by the defendant before the commencement thereof; and if no tender is made the defendant may, by leave of

the Court at any time, pay into Court such sum of money as he thinks fit, whereupon such proceeding and order shall be had and made in and by the Court as may be had and made on the payment of money into Court in an ordinary suit.

PART XVII.—FEES AND EXPENSES.

140. All fees, fines, forfeitures, confiscations, and pecuniary penalties, and all commissions levied or received under this Order, shall be accounted for, paid, and applied as a Secretary of State, with the concurrence of the Commissioners of Her Majesty's Treasury, from time to time directs.

Subject to the other provisions of this Order, all expenses of removal of prisoners and others, and the expenses of deportation, shall be defrayed in such manner as a Secretary of State, with the concurrence of the Commissioners of Her Majesty's Treasury, from time to time directs.

PART XVIII.—SUPPLEMENTAL.

141. Where, by virtue of any Imperial Act, or of this Order or otherwise, any provisions of any Imperial Acts, or of any Law, or of any Orders in Council, other than this Order, are applicable within the limits of this Order, or any form, regulation, or procedure prescribed or established under any such Act or Law, are, or is, so applicable, the same shall be deemed applicable so far only as the constitution and jurisdiction of the Courts acting under this Order and the local circumstances permit, and for the purpose of facilitating application may be construed or used with such alterations and adaptations as may be necessary, and anything required to be done by or to any Court, Judge, officer, or authority, may be done by or to a Court, Judge, officer, or authority having the like or analogous functions, or by any officer designated by a Secretary of State, or by the Court (as the case may require) for that purpose, and the seal of the Court may be substituted for any other seal; and in case any difficulty occurs in the application it shall be lawful for a Secretary of State to direct by, and to whom, and in what manner, anything is to be done, and such Act, Law, Order, Form, Regulation, or procedure shall be construed accordingly.

142. Sums of money, fines, forfeitures, penalties, or fees payable under this Order shall be calculated and paid in English money, or with the consent of the Court, in its equivalent in local currency or produce, or bills of exchange approved by the Court.

PART XIX.—COMMENCEMENT, PUBLICATION, REPEALS, AND
TEMPORARY PROVISIONS.

143. From the commencement of this Order the recited Orders in Council shall be repealed, but this repeal shall not affect the past operation of those Orders, or any existing right, title, obligation, or liability, or the validity of any rules or regulations, or general orders or directions of a Secretary of State or High Commissioner made, given, or confirmed under those Orders, or revive anything thereby repealed, or affect the existence of any office or Court created by those Orders and continued by this Order, and any such rules, regulations, general orders, or directions in force at the commencement of this Order shall continue in force and have effect *mutatis mutandis*, except so far as they are inconsistent with this Order, until they are revoked or are superseded by new rules, regulations, general orders, or directions under this Order.

Provided that anything done before the commencement of this Order, which would have been valid if this Order had been in force, shall for all purposes be of the same validity as if it had been done within the Western Pacific Islands, as defined by the recited Orders in Council.

144. Nothing in this Order, or in any rules made under it, shall apply to, or in any manner affect, any suit or proceeding, either of a civil or of a criminal nature, pending at the commencement of this Order, either with reference to the original proceedings therein or with reference to any appeal therein, or otherwise, subject, nevertheless, as follows :—

In any suit or proceeding, whether of a civil or of a criminal nature, the Court before which the same is pending at the commencement of this Order, after hearing the parties, or of its own motion, or on the application of either party, or by consent, may, if it sees fit, from time to time direct that the procedure and practice prescribed by this Order or by any rule made under it be followed in any respect.

145. This Order shall commence and have effect as follows :—

(1.) As to the making of any warrant or appointment under this Order, immediately from and after the date of this Order.

(2.) As to the framing of rules of procedure or regulations and the approval thereof by one of Her Majesty's Principal Secretaries of State, immediately from and after the date of this Order.

(3.) As to the repeal of former Orders, and as to all other matters and provisions comprised and contained in this Order, immediately from and after the expiration of one month after this Order is first exhibited in the public office of the High Commis-

sioner; for which purpose he is hereby required forthwith, on receipt by him of a copy of this Order, to affix and exhibit the same conspicuously in his public office, and he is also hereby required to keep the same so affixed and exhibited during one month from the first exhibition thereof; and, notwithstanding anything in this Order, the time of the expiration of the said month shall be deemed to be the time of the commencement of this Order.

(4.) Proof shall not in any proceeding or matter be required that the provisions of this Article have been complied with, either with respect to the publication of this Order or with respect to the publication of Queen's Regulations, nor shall any act or proceeding be invalidated by any failure to comply with any of such provisions.

146. A copy of this Order shall be kept exhibited conspicuously in each place where any Court sits under the provisions of this Order.

Printed copies shall be provided and sold at such reasonable price as the High Commissioner may fix.

And the Most Honourable the Marquess of Ripon and the Right Honourable the Earl of Rosebery, two of Her Majesty's Principal Secretaries of State, and the Lords Commissioners of the Treasury and the Lords Commissioners of the Admiralty, are to give the necessary directions herein as to them may respectively appertain.

C. L. PEEL.

SCHEDULE referred to in foregoing Order in Council.

Rules and Regulations for Procedure in Civil and Criminal Cases.

(Under Part X of "The Pacific Order in Council, 1893.")

[Expressions in these Rules and Regulations have the same meanings as in "The Pacific Order in Council, 1893."]

PART (A).—GENERAL.

Application of Part (A).

THE provisions in Part (A) apply to all proceedings, civil and criminal.

Attendance of Witnesses.

1.—(1.) In any proceeding, and at any stage thereof, the Court may summon a person subject to the jurisdiction of the Court to attend to give evidence or to produce documents. (Form (A) 2.)

(2.) Any person subject to the jurisdiction of the Court present at any proceeding in Court may be required by the Court, if the Court thinks fit, to give evidence or to produce documents.

Witness' Oath or Declaration.

2.—(1.) Each witness, before giving evidence, takes an oath, according to such ceremonies or in such form as he deems binding on his conscience. In ordinary cases the form will be as follows:—

“I swear that I will speak the truth, the whole truth, and nothing but the truth. So help me God.”

(2.) But the Court, if satisfied in the case of an intended witness that the taking of an oath would not bind his conscience, may permit him, instead of taking an oath, to make a declaration that he will, in giving evidence, tell the truth, the whole truth, and nothing but the truth.

Oral Evidence.

3.—(1.) Subject to the direction of the Court in any particular case, each witness, after examination, is subject to be cross-examined and re-examined. After re-examination he shall not be further questioned or recalled, except through or by leave of the Court.

(2.) The Court may disallow any questions put in cross-examination which appear to the Court to be irrelevant, oppressive, or merely vexatious.

(3.) The Court takes a note of the substance of all the oral evidence given before it, in a narrative form, but putting down, if there appears reason for doing so, the terms of any particular question or answer.

(4.) Any objection to the reception of evidence shall be made at the time the evidence is offered, and shall be argued and decided at the time.

(5.) Where a question proposed to be put to a witness is objected to, the Court, unless the objection appears frivolous, shall, if required by either party, take a note of the question and objection, and mention on the notes whether the question was allowed to be put or not, and the answer to it, if put.

Documentary Evidence.

4.—(1.) Every document tendered and admitted in evidence is put in and read.

(2.) Every document put in is marked by the Court at the time with a distinguishing letter or number, and is retained by the Court till the end of the preliminary examination or trial (as the case may be), when it is returned to the party who put it in, or from whose custody it came, unless the Court, for any reason, orders it to be detained in the custody of the Court.

(3.) In a civil case, where a person whose testimony would have been admissible is dead or insane, or, for any reason appearing sufficient to the Court, is not present to give evidence, the Court may, if it thinks fit, receive proof of any testimony given by him in any former civil judicial proceeding: provided the subject matter of the former proceeding was substantially the same as that of the pending proceeding, and that the parties to the pending proceeding were parties to the former proceeding or bound by it, and had an opportunity in it of cross-examining the person of whose former testimony proof is to be so given.

Assessors.

5.—(1.) Every Court makes, when required, a list of persons resident in the district who are qualified under Part IX of “The Pacific Order in Council, 1893,” to be assessors.

(2.) When the presence of assessors is likely to be required at any civil or criminal trial, the Court summons from among the persons whose names are on the list as many as it thinks necessary.

(3.) So far as is practicable, the persons liable to attend as assessors are summoned in regular order, according to the place of their names in the list.

(4.) The summons to a person to attend as assessor is in writing under the seal of the Court, and is served on him by being delivered to him personally, unless he is, at the time of service, absent from his usual place of abode, in which case it may be left for him there with some adult inmate. (Form (A) 3.)

(5.) The Court may, on reasonable cause shown, excuse from attendance generally, or in any particular case, any person summoned, or liable to be summoned, as assessor, and may, for like cause, discharge from attendance in any particular case any person who is acting as assessor therein.

(6.) If in the course of a trial one or more of the assessors is, or are, prevented by sufficient cause from continuing to serve, the trial may, if the Court thinks fit, proceed with the aid of the remaining assessor or assessors, if any.

(7.) If in any case the sole assessor is, or all the assessors are, prevented from continuing to serve, the proceeding shall be stayed, and a new trial held with another assessor or assessors. But in a case of urgent necessity, or by consent of the parties or their agents, the Court may continue the trial, recording the fact and the reason for so acting in the Minutes.

Sealing.

6. Every summons, judgment, order, notice, or other document issued from the Court is sealed with the seal of the Court, or signed as provided by Article 17.

Minutes and File of Proceedings.

7.—(1.) In every case Minutes of the proceedings at each stage are drawn up in writing, signed by the Judge, and sealed with the seal of the Court, or signed as before mentioned.

(2.) The Minutes are entered in a book and all other documents in the case are filed in a continuous file, called the file of proceedings.

(3.) The file of proceedings must be carefully preserved among the records of the Court.

(4.) The file and Minutes of proceedings in any case are open to the inspection of the assessors engaged in that case, but may not be inspected by any other person except by order of the High Commissioner.

GENERAL FORMS (A).

FORM (A) 1.

(General Heading.)

(To be used in all Documents issued by the Court.)

Her Britannic Majesty's High Commissioner's Court for the Western Pacific.

Held at _____, under "The Pacific Order in Council, 1893."

Civil Jurisdiction.

[or

Criminal Jurisdiction.]

With this addition in a civil proceeding—

A. B. Plaintiff,

and

C. D. Defendant.

With this addition in a criminal proceeding—

In the matter of a charge against A. B.

FORM (A) 2.

Summons to Witness.

(General Heading.)

To _____, of _____.

You are required to attend this Court at _____, on
 the _____ day of _____, at _____ o'clock _____, to give
 evidence in the above action (*or*, concerning the above); [and you are required
 to bring with you (*specify documents*)].

(Seal.)

FORM (A) 3.

Summons to Assessor.

(General Heading.)

To _____, of _____.

You are required to attend this Court at _____, on
 the _____ day of _____, at _____ o'clock, to act as assessor
 at the trial of the above action (*or*, of the above charge) [*or generally*, of
 certain actions (*or*, certain charges) then appointed to be heard].

(Seal.)

PART (B).—CIVIL.

Application of Part (B).

8. The provisions in Part (B) apply to civil proceedings only.

CIVIL PROCEEDINGS.

Action; Summons.

9.—(1.) Civil proceedings are taken by action.

(2.) For the purposes of any enactment or other provision applicable under this Order to any civil proceeding in the Court, an action under this Order shall comprise and be equivalent to a suit, cause, or petition, or any civil proceeding, howsoever required by any such enactment or provision to be instituted or carried on.

(3.) An action is commenced by a summons.

(4.) A summons is a document in the Form (B) 1, or some form to the like effect, which is issued from the Court on the application of the plaintiff. It contains a concise statement of the particulars of the plaintiff's claim, and gives the defendant notice of the time and place of trial.

Cause Book.

10. Every Court keeps a book called a cause book, in which are entered all actions brought in that Court, numbered consecutively in each year, with a short statement of the particulars of each action, and a note of the several proceedings therein. (Form (B) 2.)

Joinder of Causes of Action.

11.—(1.) A plaintiff may unite in the same action several causes of action or complaint.

(2.) But the Court, if it thinks that such causes of action, or some of them, cannot be conveniently tried together, may order separate trials.

Parties.

12.—(1.) All persons may join as plaintiffs in whom the right to any relief claimed is alleged to exist, whether jointly, severally, or in the alternative.

(2.) All persons may be joined as defendants against whom the right to any relief claimed is alleged to exist, whether jointly, severally, or in the alternative.

(3.) The Court may at any stage strike out the names of parties improperly or unnecessarily joined, and may, after due notice given to the persons affected, add the names of parties whose presence is essential to a just decision of the matter in dispute.

Plaintiff out of District.

13.—(1.) Where a plaintiff, taking out a summons either alone or jointly with any other person, is out of the district or only temporarily therein, he must file at the office of the Court, when the summons is issued, a written statement of a fit place within the district where notices and other papers issuing from the Court may be served on him.

(2.) He must also give security for costs by deposit or by bond for such amount as the Court directs.

(3.) The Court may, at any stage of the proceedings, order a plaintiff, who has left or is about to leave the district, to give security, or further or better security, for costs, to such an amount as the Court thinks fit, and may direct proceedings to be stayed in the meanwhile.

Service.

14.—(1.) Service is effected by an officer of the Court, and is personal, unless in any case the Court thinks fit otherwise to direct.

(2.) Personal service is effected by showing to the person to be served the original document, and by leaving with him a copy of the document of which service is intended.

(3.) Service shall not, without the leave of the Court, be made on Sunday, or before 6 A.M. or after 6 P.M. on any other day.

(4.) This rule applies to the service of a summons, orders, judgments, and all other documents required by these Rules or the practice of the Court to be served.

Service of Summons.

15.—(1.) The summons is delivered by the plaintiff to the officer of the Court for service on the defendant (except in cases where the Court thinks fit otherwise to direct) at least seven days before the day named in the summons for the hearing of the action.

(2.) The date and place of service are indorsed on the original summons by the person serving it.

Renewal of Summons.

16.—(1.) If any defendant named in a summons is not served therewith before the day named for the hearing, the plaintiff may, at any time within two months from that day, apply to the Court for leave to renew the summons.

(2.) The Court, if satisfied that reasonable efforts have been made to serve the defendant, or for good reason, may order, from time to time and as often as it thinks proper, that the summons be renewed and a fresh day named for the hearing, not being more than six months from the day of the renewal.

(3.) If the summons be renewed a note is to be made thereon by the Registrar, stating the renewal and the date thereof.

(4.) A summons so renewed shall remain in force and be available to prevent the operation of any Statute of Limitation, and for all other purposes, as from the date of the original summons.

(5.) The production of a summons purporting to be so renewed shall be sufficient evidence of the renewal and of the commencement of the action, as of the first date of the renewed summons, for all purposes.

Dismissal for Failure to Proceed.

17. If an action entered in the cause book is not proceeded with and disposed of within twelve months from service of the summons, the Court may, if it thinks fit, upon or without application by any party, order the same to be dismissed for failure to proceed.

Payment into Court in Satisfaction.

18.—(1.) Where an action is brought to recover a debt or damages, any defendant may, at any time after service of the summons, pay into the office of the Court a sum of money by way of satisfaction or amends.

(2.) It shall be paid to the proper officer, who shall give a receipt for the same.

(3.) The defendant shall give the plaintiff notice that he has paid in that money, stating in respect of what claim.

(4.) Money so paid in may, unless the Court otherwise orders, be paid out to the plaintiff, or to his solicitor on the written authority of the plaintiff.

(5.) The plaintiff may, after receipt of notice of payment in, accept the amount in satisfaction of the causes of action in respect of which it is paid in; in which case he shall give notice thereof to the defendant, and the Court shall make such order thereon as shall be just.

Set-off and Counter-claim.

19.—(1.) A defendant may set off or set up, by way of counter-claim against the claim of the plaintiff, any right or claim.

(2.) Notice of set-off or counter-claim must be given in writing to the Court, so that, except in cases when the Court thinks fit otherwise to direct, it may be served on the plaintiff at least four days before the day fixed for the hearing of the action. (Form (B) 3.)

(3.) The set-off or counter-claim shall have the same effect as if the defendant had brought a cross action, so as to enable the Court to pronounce a final judgment in the same action, both on the original and on the cross claim.

(4.) If in the opinion of the Court the set-off or counter-claim cannot be conveniently tried in the pending action, the Court may refuse permission to the defendant to avail himself of it in that action.

Death of Party or other change.

20.—(1.) Where, after action brought, any change or transmission of interest or liability occurs in relation to any party to the action, or any party to the action dies, or (being a woman) marries, or the action in any other way becomes defective or incapable of being carried on, any person interested may obtain from the Court any order requisite for curing the defect, or enabling or compelling proper parties to carry on the proceedings.

(2.) But any person served with such an order may, within such time, not exceeding fourteen days, as the Court in the order or otherwise directs, apply to the Court to discharge the order.

Matters arising pending Action.

21. Any ground of defence which has arisen after action brought may be set up by the defendant, either alone or together with other grounds of defence.

Depositions before Trial.

22.—(1.) At any time after an action is begun, and before the trial, the Court may take the evidence of a witness who is about to leave the district, or who, from illness or old age, or any other sufficient cause, is not likely to be able to be present at the trial.

(2.) The evidence of such witness is taken in like manner, as nearly as may be, as evidence is taken at the trial.

(3.) The note of the evidence is signed by the witness at the time, and sealed with the seal of the Court. It is called a deposition.

(4.) A deposition may not, except for special reasons to be recorded in the Minutes, be admitted in evidence at the trial, unless it is shown that the party against whom it is offered had an opportunity of cross-examining the deponent.

(5.) Evidence may be taken, in like manner, on the application of any person, although no action or application is pending, where it is proved that the person applying has good reason to apprehend that a proceeding will be taken against him in the Court, and that some person within the district at the time of application can give material evidence respecting the subject of the apprehended proceeding, but that he is about to leave the district, or that from some other cause the person applying will lose the benefit of his evidence if it is not at once taken.

Absence of Parties at Hearing.

23.—(1.) If at the time appointed for the hearing the plaintiff does not appear, the Court may strike out the action, and make such order as to costs in favour of any defendant appearing as the Court thinks just

(2.) If the plaintiff a second time in like manner fails to appear, the Court shall, unless it sees good reason to the contrary, dismiss the summons, which dismissal shall have the like effect as a judgment for the defendant on the merits at the hearing.

(3.) If at the time appointed for the hearing the plaintiff appears, but the defendant, or any of the defendants, does not appear, the Court, before hearing the action, inquires into the service of the summons on the absent party or parties.

(4.) The Court, if not satisfied respecting service on every party, may order that further service be made as the Court directs, and may adjourn the hearing for that purpose.

(5.) The Court, on being satisfied respecting service on every party, may, if it thinks fit, proceed to hear the action, notwithstanding the absence of the defendant, or of any of the defendants.

(6.) If the Court hears the action, and makes an order against a defendant in his absence, the Court may afterwards, on such terms as the Court thinks fit, re-hear the action, on proof that his absence was excusable, and that he has a defence on the merits.

Hearing.

24.—(1.) Every action shall be heard and determined in a summary way.

(2.) The hearing takes place in open Court.

(3.) The Court may postpone or adjourn the hearing when, and as often, as justice requires.

Judgment.

25.—(1.) The judgment of the Court is delivered in open Court, and recorded in the Minutes.

(2.) Every such Minute shall have the full force and effect of a formal order.

(3.) The Court may at any time order a formal order to be drawn up on the application of any party.

(4.) Where the grounds of the judgment are stated in writing, the written statement, or a copy signed by the Judge holding the Court, is filed on the file of proceedings.

(5.) Where the Court reserves judgment, the parties are served with notice to attend and hear judgment, unless the Court at the hearing states the day on which judgment will be delivered.

(6.) All parties are deemed to have notice of the judgment if pronounced at the hearing.

(7.) All parties served with notice to attend and hear judgment are deemed to have notice of the judgment when pronounced.

(8.) Judgment may be given by the Court subject to a case to be stated for the Supreme Court.

Costs.

26.—(1.) In every action the costs of the whole action, and of each particular proceeding therein, and the costs of every proceeding in the Court, are in the discretion of the Court, as regards the person by whom they are to be paid.

(2.) But the Court shall not order the successful party in an action to pay to the unsuccessful party the costs of the whole action; although the Court may order the successful party, notwithstanding his success in the action, to pay the costs of any particular proceeding therein.

(3.) The Court may order any costs to be paid out of any fund or property to which an action or proceeding relates.

(4.) Where the Court orders costs to be paid by any party, the Court may, if it thinks fit, order all proceedings by or on behalf of that party in the same action or proceeding, or connected therewith, to be stayed until the costs are paid.

(5.) When the Court adjudges or orders any costs to be paid, the amount of such costs is, if practicable, fixed by the Court at the time of making the judgment or order and named therein.

(6.) In fixing the amount of costs the principle to be observed is that the party who is in the right is to be indemnified for the expense to which he has been necessarily put in establishing his claim, defence, or counter-claim, but the Court takes into account all the circumstances of the case.

Judgments and Orders.

27.—(1.) Upon the application of any party to an action a judgment or order shall be drawn up in the Form (B) 4, or some Form to the like effect. It shall, when drawn up, bear the date of the day when it was given or made, and shall be copied in full in the Minutes.

(2.) When a judgment or order is drawn up the Court certifies it by affixing to it the seal of the Court, or by signature as provided by Article 17, and the order so certified is handed to the party applying for it.

(3.) Until a judgment or order has been drawn up and certified it cannot be served or enforced, or appealed against.

(4.) Any party to an action is entitled, on paying a reasonable sum for the expense of copying, to an office copy (that is, a copy certified by the seal of the Court) of any judgment or order which has been drawn up and entered.

Operation of Judgment.

28.—(1.) A judgment or order for the payment of money may, as the Court thinks fit, order the money to be paid either at once or by specified instalments, or after the expiration of a specified time.

(2.) A judgment or order requiring any person to do any act other than the payment of money, or to abstain from doing anything, may, according as the Court directs, take effect at once or after the expiration of a specified time.

(3.) The Court may at any time stay execution of a judgment or order upon such terms as it thinks fit.

Payment of Money ordered to be Paid.

29.—(1.) All money ordered by any judgment or order of the Court to be paid by any person must be paid into an office of the Court, unless the Court otherwise directs.

(2.) Money so paid in is paid out by the Court to the person entitled thereto.

Execution; generally.

30.—(1.) Execution of a judgment or order does not issue against a party who has not been served with the judgment or order.

(2.) A judgment or order may not, in general, be served or enforced out of the district of the Court.

(3.) But the Court may, for special reasons to be recorded in the Minutes, direct that any particular judgment or order be served or enforced out of that district.

(4.) When the Court is satisfied that a judgment or order has been served and not obeyed, the Court, on the application of the person entitled to the benefit of the judgment or order, unless it sees good reason to the contrary, issues execution.

(5.) When default is made in paying an instalment under a judgment or order ordering the payment of money by instalments, execution may issue for the whole sum then remaining unpaid, unless the Court otherwise directs.

Execution of Judgments or Orders for the Payment of Money.

31.—(1.) The person entitled to the benefit of a judgment or order for the payment of money is called the judgment creditor.

(2.) The person bound by such judgment or order is called the judgment debtor.

(3.) Execution of the judgment or order for the payment of money is—

(a.) By seizure and sale of the judgment debtor's goods; or

(b.) By attachment of debts due to the judgment debtor; or

(c.) By both the above-mentioned processes; or

(d.) In certain cases, by sale of the judgment debtor's lands.

Seizure and Sale.

32.—(1.) On the application of a judgment creditor the Court issues a warrant of seizure and sale, directing an officer of the Court therein named to levy the money due, together with the costs of the execution, by seizure and sale of the goods of the judgment debtor wheresoever found within the district. (Form (B) 5.)

(2.) The sum due, and the further sum to be levied for costs of the execution, are indorsed on the warrant.

(3.) The sale of the goods seized shall be made by order of the Court, and shall be conducted under the direction of the Court, and by a person nominated by the Court.

(4.) But no steps shall be taken therein without the demand of the judgment creditor.

(5.) The judgment creditor shall be liable for any damage recoverable in consequence of any proceeding taken at his instance.

(6.) The sale shall not be made until after the end of five days at least next following the day of seizure, unless the goods are of a perishable nature, or on the request, in writing, of the judgment debtor, or under order of the Court made for reasons recorded in the Minutes.

(7.) Until sale the goods shall be deposited by the officer in some fit place, or they may remain in the custody of a fit person approved by the Court, and put into possession by the officer.

(8.) The Court shall not order the sale of the goods seized unless it is proved that they belong to the judgment debtor, and are in a place where the Court has jurisdiction.

(9.) Where a claim is made by a third party to the goods, or part thereof, the same, if made by a British subject, shall be decided by the Court in a summary way, as between the claimant and the judgment creditor.

(10.) If the claim is made by a native or foreigner, the Court may, if it thinks fit, either oblige the judgment creditor to establish his claim before selling the goods, or sell the goods and require the judgment creditor to defend any claim.

(11.) The officer executing a warrant of seizure and sale may, by virtue thereof, seize any money, bank-notes, bills of exchange, promissory notes, bonds, or securities for money belonging to the judgment debtor.

(12.) The Court shall hold the property or instruments seized, other than money and securities immediately convertible into money, as security for the amount directed to be levied, or so much thereof as is not otherwise levied, for the benefit of the judgment creditor.

(13.) The judgment creditor may sue in the name of the judgment debtor, or in the name of any person in whose name the judgment debtor might have sued, for the recovery of the money secured or made payable by any instrument seized, when the time for suing arrives.

(14.) If, before or after seizure, the judgment debtor, by payment into Court, or to the officer executing the warrant, satisfies the execution, the warrant shall be superseded, and the goods and property and instruments seized shall be released and delivered up.

Attachment of Debts.

33.—(1.) Execution by way of attachment of debts is granted when the judgment creditor satisfies the Court that another person (called the garnishee) is indebted to the judgment debtor, and is within the jurisdiction of the Court.

(2.) The Court may summon the garnishee and the judgment debtor to attend and be examined.

(3.) If the garnishee upon such examination disputes his liability to the judgment debtor, or alleges that the debt sought to be attached belongs to some third person, the Court takes such proceedings as it thinks necessary to determine the garnishee's liability, and may, if such third person is within the jurisdiction, summon such third person or any other necessary witness to attend, and may bar or otherwise deal with such third person's claim.

(4.) If the garnishee admits, or the Court after such proceedings as aforesaid is satisfied, that there is a liquidated sum then due from the garnishee to the judgment debtor, the Court may order the garnishee to pay into Court the

amount so due, or so much thereof as is sufficient to satisfy the claim of the judgment creditor. (Form (B) 6.)

(5.) If the garnishee disobeys the order for payment, the Court may issue a warrant of seizure and sale against his goods.

(6.) Payment made by, or execution levied upon, the garnishee, under an order for payment, is a valid discharge to him as against the judgment debtor to the amount paid or levied.

Sale of Lands.

34.—(1.) When the judgment debtor is beneficially entitled to any interest in any lands within the district, and the Court is satisfied that there is no other property of the judgment debtor available for execution, the Court may, on the application of the judgment creditor, issue a warrant directing an officer of the Court to sell the interests of the judgment debtor in such lands at such time and in such manner as under the circumstances the Court thinks just and reasonable. (Form (B) 7.)

(2.) The proceeds of the sale shall be paid into Court.

(3.) Before issuing such warrant, the Court may inquire, if it thinks fit, into the nature and extent of the judgment debtor's interest, and for the purpose of such inquiry may summon the judgment debtor and other witnesses to attend.

Committal of Judgment Debtor.

35.—(1.) Where a judgment or order for the payment of money remains after service wholly or in part unsatisfied, whether execution has issued or not, the Court may, on the application of the judgment creditor, summon the judgment debtor to attend and be examined as to his ability to pay. (Form (B) 8.)

(2.) The judgment debtor if he appears, and whether the judgment debtor appears or not, any other witnesses whom the Court thinks fit to summon, may then be examined on oath as to the circumstances under which the judgment debtor incurred the debt or liability, and as to his ability then and since and at the time of the examination, to satisfy such debt or liability.

(3.) The Court may, if it thinks fit, adjourn the examination from time to time, and require from the judgment debtor security for his appearance, and in default of his finding security may, by order, commit him until the adjourned hearing to the custody of an officer of the Court.

36. If it appears to the Court, by the examination of the judgment debtor or other evidence—

(1.) That the judgment debtor then has or, since the making of the order, has had sufficient means to pay the money directed to be paid by him, and he refuses or neglects to pay the same according to the order; or

(2.) That, with intent to defraud his creditors, or any of them, he has made or suffered any gift, delivery, or transfer of any property, or charged, removed, or concealed any property; or

(3.) That the debt or liability in question has been contracted or incurred by him, by or by reason of fraud, or false pretence, or breach of trust, committed by him; or

(4.) That forbearance thereof was obtained by him by fraud or false pretence; or

(5.) That the debt or liability was wilfully contracted or incurred by him

without his having at the same time a reasonable expectation of being able to pay or discharge it;

Then, and in any such case, the Court may, if it thinks fit, by order commit him to prison for any time not exceeding forty days, and may issue its warrant accordingly. (Form (B) 9.)

The order, and the grounds on which it is made, must be recorded in the Minutes.

Orders for Payment of Money.

37. On the examination the Court, if it thinks fit, whether it makes an order for commitment or not, may rescind or alter any order for the payment of money, by instalments or otherwise, and may make any further or other order, either for payment of the whole amount forthwith, or by instalments, or in any other manner, as the Court thinks fit.

Expenses of Debtor's Maintenance in Prison.

38.—(1.) The expenses of the judgment debtor's maintenance in prison shall be defrayed, in the first instance, by the judgment creditor, and may be recovered by him from the judgment debtor, as the Court directs.

(2.) The expenses shall be estimated by the Court, and shall be paid by the judgment creditor at such times and in such manner as the Court directs.

(3.) In default of payment the judgment debtor may be discharged, if the Court thinks fit.

Imprisonment not Satisfaction for Debt.

39.—(1.) Imprisonment of a judgment debtor under the foregoing provisions shall not operate as a satisfaction or extinguishment of the debt or liability to which the order relates, or protect the debtor from being anew imprisoned for any new fraud, or other default making him liable to be imprisoned, or deprive the judgment creditor of any right to have execution against his goods, as if there had not been such imprisonment.

(2.) The judgment debtor on paying at any time the amount ordered to be paid, and all costs and expenses, shall be discharged.

Execution of Judgments or Orders other than those for the Payment of Money.

40.—(1.) A judgment or order which orders a person to do any act other than the payment of money, or to abstain from doing anything, is executed by arrest, or by sequestration, or by both processes.

(2.) The copy of such a judgment or order served on the person required to obey it is indorsed with a Memorandum in the words or to the effect following:—

"If you, the within-named *A. B.*, neglect to obey this order within the time therein appointed, you will be liable to be arrested, and your property may be sequestered."

Arrest.

41.—(1.) Where the person directed to do or abstain from doing the act fails to obey the order, the person prosecuting the order may apply to the Court for a warrant for the arrest of the disobedient person.

(2.) Thereupon the Court shall, unless it sees good reason to the contrary, issue a warrant ordering and empowering an officer of the Court therein named

to take the body of the disobedient person, and detain him in custody until further order. (Form (B) 10.)

(3.) He shall be liable to be detained in custody until he has obeyed the order in all things that are to be immediately performed, and has given such security as the Court thinks fit to obey the order in other respects (if any), at the future times thereby appointed; or, in case of his no longer having the power to obey the order, then until he has been imprisoned for such time, not exceeding thirty days, or until he has paid such fine, not exceeding 10*l.*, as the Court thinks fit.

Sequestration.

42.—(1.) In case the person against whom a warrant of arrest issues is not and cannot be found, or is taken and detained in custody without obeying the order then the person prosecuting the order may apply to the Court for a warrant of sequestration against his property.

(2.) The warrant of sequestration empowers and directs the person or persons therein named, called the sequestrators, to enter upon and seize all the real and personal estate within the district of the person against whom the order issues, and to keep the same and the rents and profits thereof until such last-named person shall appear before the Court and clear his contempt, or until the Court shall otherwise order. (Form (B) 11.)

(3.) The Court may order, out of the proceeds of the sequestration, payment of all charges attending its execution, including such reasonable remuneration to the sequestrators as the Court may allow.

Injunctions and Orders before Action.

43.—(1.) On proof of urgency or other particular circumstances, the Court may, if it thinks fit, before service of a summons and without notice, make an order of injunction, or an order to sequester money or goods, or to stop the clearances of a vessel, or to hold to bail, or to attach property.

(2.) Before making the order the Court shall require the person applying for it to enter into a recognizance, with or without a surety or sureties, as the Court thinks fit, as security for his being answerable in damages to the person against whom the order is sought.

(3.) The order shall not remain in force more than twenty-four hours, and shall, at the end of that time, wholly cease to be in force, unless within that time an action is regularly brought by the person obtaining the order.

(4.) The order shall be dealt with in the action as the Court thinks just.

APPEALS.

Time of Appeal.

44. An application to the Court for leave to appeal must be made within two months from the date of the delivery of the decision or the making of the order of the Court, and an application to the Court of Appeal for such leave must be made within six months from such date.

Motion; Security.

45.—(1.) Such application must be made by motion, copy of which is served by the Court or the Court of Appeal, as the case may be, on the respondent, with notice of the day on which the question will be heard.

(2.) The Court or the Court of Appeal may in granting such leave require the appellant to give such security as it thinks proper that he will prosecute the appeal and pay the costs if unsuccessful, and to pay into Court the sum estimated by the Court as the cost of making up and transmitting the record to the Court of Appeal.

Cross Appeal.

46. The respondent shall, within fourteen days from the service of the notice of motion for leave to appeal, give notice of cross appeal, if any.

Making-up and Transmitting Record.

47.—(1.) The Court, when leave to appeal has been granted, makes up the record of appeal, which includes certified copies of the summons, of any orders made in the action, of all written and documentary evidence admitted or tendered, of the notes of the oral evidence, and of the notice of appeal.

(2.) The several pieces are fastened together and numbered consecutively, and the whole is secured by the seal of the Court, and forwarded by the Court to the Court of Appeal.

(3.) No original document shall, except under special circumstances, be transmitted as part of the record.

(4.) After the record of appeal is transmitted, until the appeal is disposed of, the Court of Appeal is in possession of the whole action as between the parties to the appeal.

(5.) The order made on the appeal by the Court of Appeal is, when duly certified and transmitted to the Court below, enforced by the latter Court in the same manner as one of its own orders.

New Evidence on Appeal.

48.—(1.) It is not open, as of right, to a party to an appeal to adduce new evidence in support of his original case; but a party may allege any facts essential to the issue that have come to his knowledge after the decision of the Court below, and may adduce evidence in support of his allegations.

(2.) The Court of Appeal may in any case, if it thinks fit, allow or require new evidence to be adduced.

Stay of Execution on Appeal.

49.—(1.) When leave to appeal or a notice of appeal is given before the judgment or order appealed against has been obeyed or enforced, the Court may, as it thinks fit, either direct immediate execution, or suspend execution pending the appeal.

(2.) If the Court directs immediate execution, it may require the person entitled to execution to give security before execution for the performance of the order to be made on appeal.

(3.) If the Court suspends execution it may require the appellant to give security before the order for suspension issues to the amount of the judgment or order appealed against.

Time.

50.—(1.) Where any particular number of days is prescribed for doing anything by these Rules, or by any judgment, order, or rule of the Court, the same

shall be reckoned exclusively of the first day and inclusively of the last, unless clear days are mentioned.

(2.) Where the days prescribed are less than six days, Sundays are not to be reckoned in the computation.

(3.) Where the time prescribed for doing anything by these Rules, or by any judgment, order, or rule of the Court expires on Sunday, the act or proceeding will be done or taken in due time if done or taken on the next day.

General Powers of the Court.

51.—(1.) Every application in the course of an action may be made to the Court orally and without previous formality, unless in any case the Court otherwise directs.

(2.) The Court may, as often as it thinks fit, and either before or after the expiration of the time appointed by these Rules, or by any judgment, order, or rule of the Court, extend, or abridge, or adjourn the time for doing any act or taking any proceeding.

(3.) No action or proceeding shall be treated by the Court as invalid on account of any technical or formal error.

(4.) All errors and mistakes may be corrected, and all amendments made, and non-compliance with any of the rules of practice excused, by the Court upon such terms as to costs or otherwise as it thinks just and reasonable.

Probate or Administration in general.

52.—(1.) Probate or letters of administration with will annexed shall not issue for seven days from the death of the deceased, except under the direction of the High Commissioner, or a Judicial Commissioner, or in case of great urgency.

(2.) Letters of administration (not with will annexed) shall not issue for fourteen days from the death of the deceased, except under the direction of the High Commissioner, or a Judicial Commissioner, or in case of great urgency.

Notice to Executors.

53. The Court may, of its own motion, or on the application of any person claiming an interest under a will, give notice to the executors (if any) therein named to come in and prove the will or to renounce probate, and they, or some or one of them, shall, within fourteen days after notice, come in and prove or renounce accordingly.

Application after Three Years.

54. Where probate or administration is, for the first time, applied for after three years from the death of the deceased, a grant shall not be made except under the direction of the High Commissioner or a Judicial Commissioner.

Communication with High Commissioner.

55.—(1.) Where a question arises in relation to the grant or the application for it, or it appears to the Court doubtful whether or not the grant should be made, the Court shall communicate with the High Commissioner or a Judicial Commissioner.

(2.) The Court shall proceed in the matter according to such instructions as are given by the High Commissioner, or a Judicial Commissioner, or shall by order remove the matter to be dealt with by the High Commissioner or a Judicial Commissioner.

(3.) Sub-section (1) of this Rule, any sub-section of other Rules prescribing similar communications, apply only to the Court when held otherwise than before the High Commissioner or a Judicial Commissioner.

District Courts.

56. A district Court, before proceeding on an application, shall ascertain that the deceased was at his death resident in the district, and shall not for this purpose consider himself bound to rest satisfied with the evidence offered by the applicant.

Evidence of Identity.

57. The Court shall require evidence, in addition to that offered by the applicant, of the identity of the deceased, or of the applicant, where additional evidence in that behalf seems to the Court necessary or desirable.

Value of Estate.

58. The Court shall ascertain the value of the property of the deceased as correctly as circumstances allow.

Inquiries.

59. In no case shall the Court issue probate or letters of administration until all inquiries which the Court sees fit to institute have been answered to its satisfaction.

Facilities.

60. The Court shall, however, afford as great facility for the obtaining of probate or administration as is consistent with due regard to the prevention of error and fraud.

Directions of Judicial Commissioner.

61. In the following cases a grant shall not issue, except under the direction of a Judicial Commissioner, namely:—

Probate or administration with will annexed, where the will was executed before the 1st January, 1838, and there is no testamentary paper of a date later than the 31st December, 1837;

Probate and administration with will annexed, the will being merely an execution of a special power, or being the will of a married woman made by virtue of a power;

Administration for the use or benefit of a minor or infant, or of a lunatic or of unsound mind;

Administration (with or without will annexed) of the property of a bastard dying either a bachelor or spinster, or a widower or widow, without issue, or of a person dying without known relative;

Limited administration;

Administration to be granted to a person not resident.

Revocation; Alteration.

62. Revocation or alteration of a grant of probate or administration shall not be made except under the immediate direction of a Judicial Commissioner.

Notices to prohibit Grant.

63.—(1.) A notice to prohibit a grant of probate or administration may be filed in the public office of the Court or of any district Court.

(2.) Immediately on such a notice being filed in the public office of the Court, a copy thereof shall be sent to the Court for the district (if any) in which it is alleged the deceased was resident at his death, and to any other district Court to which it appears expedient to send a copy.

(3.) Immediately on such a notice being filed in the public Court office of any district, the Court shall send a copy thereof to the High Commissioner, and also to the Court for any other district in which it is known or alleged the deceased had, at his death, a place of abode.

(4.) The notice shall remain in force three months only from the day of filing; but it may be renewed from time to time.

(5.) The notice shall not affect a grant made on the day on which the notice is filed, or on which a copy thereof is received, as the case may be.

(6.) The person filing the notice shall be warned by a warning in writing, issued from the Court, delivered at the place mentioned in the notice as his address.

(7.) After the notice has been filed in the public Court office of a district, or a copy thereof has been received by a district Court, a grant of probate or administration shall be made only under the direction of the High Commissioner or of a Judicial Commissioner.

Notices in the nature of Citations.

64. Notices in the nature of citations shall be given by publication in such newspapers or in such other manner as the Court in each case thinks fit.

Original Wills.

65.—(1.) Every original will of which probate or administration with will annexed is granted, shall be filed and kept in the public office of the Court, or of the district Court issuing the grant, in such manner as to secure at once the due preservation and the convenient inspection of the same.

(2.) No original will shall be delivered out for any purpose without the direction in writing of the High Commissioner or a Judicial Commissioner.

(3.) An office copy of the whole or of any part of a will, or an official certificate of a grant of administration, may be obtained from the Court on payment of the proper fees.

List of Grants; Copies.

66. On the 1st February and the 1st August in every year every Court shall send to the High Commissioner—

(i.) A list of the grants of probate and administration made by the Court up to the last preceding 1st January and 1st July respectively, not included in any previous list:

(ii.) A copy, certified by the Court to be a correct copy, of every will to which probate or administration relates.

Probate or Administration with Will annexed.

67.—(1.) On receiving an application for probate or for administration with will annexed, the Court shall inspect the will and see whether it appears to be duly signed and witnessed, according to the enactments relative thereto.

(2.) The will is not duly signed and witnessed unless—

(a.) The testator made or acknowledged his signature in the presence of two witnesses;

(b.) The two witnesses were present with him at the same time;

(c.) They attested and subscribed the will in his presence, and in the presence of each other.

(3.) If the will appears to be duly signed and witnessed, the Court shall then refer to the attestation clause (if any), and consider whether the wording thereof states the will to have been, in fact, so signed and witnessed.

(4.) If there is no attestation clause, or if the attestation clause is insufficient, the Court shall require an affidavit from at least one of the subscribing witnesses, if either of them is living, to prove that the will was, in fact, so signed and executed.

(5.) The affidavit shall be engrossed and form part of the probate, so that the probate may be complete.

(6.) If, on perusal of the affidavit, it appears that the will was not, in fact, duly signed and attested, the Court shall refuse probate.

(7.) If, on the perusal of the affidavit, it appears to the Court doubtful whether or not the will was, in fact, duly signed and attested, the Court shall communicate with the High Commissioner or a Judicial Commissioner for directions.

(8.) If both the subscribing witnesses are dead, or if, from other circumstances, such an affidavit cannot be obtained from either of them, resort for such an affidavit shall be had to other persons (if any) present at the execution of the will; but if no such affidavit can be obtained, proof shall be required of that fact and of the handwritings of the deceased and subscribing witnesses, and also of any circumstances raising a presumption in favour of the due signing and attestation of the will.

Blind or Illiterate Testator.

68.—(1.) Where the testator was blind or illiterate, the Court shall not grant probate of the will or administration with the will annexed, unless the Court is first satisfied, by proof or by what appears on the face of the will, that the will was read over to the deceased before its execution, or that he had at that time knowledge of its contents.

(2.) Where this information is not forthcoming, the Court shall communicate with the High Commissioner or a Judicial Commissioner for directions.

Interlineations; Alterations; Erasures.

69.—(1.) The Court, on being satisfied that the will was duly executed, shall carefully inspect it to see whether there are any interlineations or alterations or erasures or obliterations appearing in it, and requiring to be accounted for.

(2.) Interlineations, alterations, erasures, and obliterations are invalid unless they existed in the will at the time of its execution, or unless, if made afterwards, they have been duly signed and attested in the mode required for a will,

or unless they have been made valid by the re-execution of the will, or by the subsequent execution of some codicil thereto.

(3.) Where interlineations, alterations, erasures, or obliterations appear in the will, unless they are duly signed and witnessed, or recited in or otherwise identified by the attestation clause, an affidavit, in proof of their having existed in the will before its execution, shall be filed.

(4.) If it is not proved when an erasure or obliteration was made, and the words erased or obliterated are not entirely effaced, and can, on inspection of the will, be read, they shall form part of the probate.

(5.) Where words have been erased which might have been of importance, an affidavit shall be required.

(6.) If reasonable doubt exists in regard to any interlineation, alteration, erasure, or obliteration, the Court shall communicate with the High Commissioner or a Judicial Commissioner for directions.

Reference to other Instruments.

70.—(1.) Where a will contains a reference to any instrument of such a nature as to raise a question whether it ought or ought not to form a constituent part of the will, the Court shall require the production of the instrument, with a view to ascertain whether or not it is entitled to probate; and if it is not produced, a satisfactory account of its non-production shall be proved.

(2.) An instrument cannot form part of a will unless it was in existence at the time when the will was executed.

(3.) If there are vestiges of sealing-wax or wafers or other marks on the will leading to the inference that some instrument has been at some time annexed or attached thereto, a satisfactory account of them shall be proved, or the production of the instrument shall be required: if it is not produced, a satisfactory account of its non-production shall be proved.

(4.) If doubt exists whether or not a document is entitled to probate as a constituent part of a will, the Deputy Commissioner shall communicate with the High Commissioner or a Judicial Commissioner for directions.

Death of Executor; Failure to Prove.

71.—(1.) Where a person appointed executor in a will survives the testator, but either dies without taking probate, or having been called on by the Court to take probate does not appear, his right in respect of the executorship wholly ceases.

(2.) Without further renunciation, the representation to the testator and the administration of his property go and may be committed as if that person had not been appointed executor.

Marking Wills.

72. Every will, or copy of a will, to which an executor or an administrator with will annexed is sworn, shall be marked by the executor or administrator, and by the person before whom he is sworn.

Copies.

73. The Court shall take care that the copies of wills to be annexed to probates or letters of administration are fairly and properly written, and shall reject any not so written.

Intestacy.

74.—(1.) The Court, in granting letters of administration, shall proceed, as far as may be, as in cases of probate.

(2.) The Court shall ascertain the time and place of deceased's death, and the value of the property to be covered by the administration.

(3.) The person to whom administration is granted shall give bond with two or more responsible persons subject to the jurisdiction of the Court, as sureties, to the High Commissioner, conditioned for duly collecting, getting in, and administering the personal property of the deceased.

(4.) Where, however, the property is under the value of 50*l.*, the Court may, if it thinks fit, take one surety only.

(5.) The bond shall be in a penalty of double the amount under which the personal estate of the deceased is sworn, unless the Court in any case thinks it expedient to reduce the amount, for reasons to be forthwith certified by a Deputy Commissioner to the High Commissioner.

(6.) The Court may also in any case direct that more bonds than one shall be given, so as to limit the liability of any individual surety to such amount as the Court thinks reasonable.

(7.) The High Commissioner may, on being satisfied that the condition of the bond has been broken, assign the same to some person; that person may thereupon sue on the bond in his own name, as if it had been originally given to him instead of to the High Commissioner, and may recover thereon, as trustee for all persons interested, the full amount recoverable in respect of any breach of the condition of the bond.

Several Next of Kin.

75. Where administration is applied for by one or some of the next of kin only, there being another or other next of kin equally entitled thereto, the Court shall require proof that notice of the application has been given to the other next of kin.

Arbitration.

76. The following provisions, under the head "Arbitration," apply only to cases where the agreement for reference to arbitration or submission to arbitration by consent is made a rule of Court.

Time for Award.

77. The arbitrator shall make his award within one month after he has entered on the reference or has been called on to act by a notice in writing from any party, unless the document authorizing or making the reference contains a different limit of time.

Enlargement of Time.

78. The Court may, if it thinks fit, on reasonable notice to all parties, from time to time enlarge the time for making the award for such time as the Court thinks just, the reasons for enlargement being recorded in the Minutes.

Authority how Revocable.

79. The authority of an arbitrator is not revocable except by the Court.

Costs.

80.—(1.) The arbitrator may award how the costs of the reference shall be borne, in the whole or in part.

(2.) But an award respecting costs shall not preclude a party against whom costs are awarded from applying to the Court to tax the costs; and on that application the costs, including the remuneration (if any) of the arbitrator, shall be taxed at a reasonable rate by the Court; and the Court shall make such order respecting the costs of taxation as the Court thinks just.

Deposit of Award.

81.—(1.) The arbitrator making an award shall, within the time limited, deposit the award in the Court, inclosed in a sealed cover, and indorsed with the names of the parties to the reference, and with a note of the amount claimed by the arbitrator for remuneration.

(2.) Notice of the award having been deposited shall be served by the Court on the parties, who shall be at liberty to read the award, and to have copies of it.

Two or more Arbitrators.

82. If in any case the Court shall give directions for the appointment of two or more arbitrators and an umpire instead of a single arbitrator the foregoing Rules shall *mutatis mutandis* apply to such case.

 FORMS (CIVIL).

CIVIL (IN GENERAL).

(B) 1.

Summons for Commencement of Action.

(General Heading.)

To *C. D.*, of , defendant.

You are required to attend this Court on [Thursday], the day of , 18 , at [10] o'clock, A.M., being the time appointed for the hearing of an action brought against you by the plaintiff, *A. B.*, of , the particulars of the claim being stated below.

If you fail to attend according to this summons the plaintiff may proceed, and the Court may give judgment in your absence.

(Seal.)

Particulars of Claim.

The plaintiff's claim is—

[To recover £ for the price of goods sold.]

or

[To recover £ for the use and occupation of a house.]

or

[To have an account taken of the partnership dealings between the plaintiff and defendant, and to have the affairs of the partnership wound up.]

(B) 3.

Notice of Set-off or Counter-claim.

(General Heading.)

To the Court.

Take notice that the defendant will rely on a set-off or counter-claim, of which the following are the particulars:—

(Signed)

Defendant.

[*This notice, unless the Court requires the counter-claim to be separately tried, is to be sealed by the Court and served by the officer of the Court on the plaintiff.*]

(B) 4.

Judgment at Trial (as drawn up).

(General Heading.)

(Date.)

This action having on the day of come on for trial.

It is this day adjudged, that

(Seal.)

(B) 5.

Warrant of Seizure and Sale.

(General Heading.)

To X. Y., officer of this Court.

You are hereby commanded to seize the goods of C. D., and by sale thereof, or of a sufficient part thereof, to levy the sum of £ , and also interest thereon at the rate of per centum per annum from the day of ,* which said sum of money and interest were in this action by order dated the day of , ordered to be paid by the defendant C. D. to E. F. And further the sum of £ for costs in the said order mentioned, together with interest thereon at the rate of per centum per annum from the day of ,* and forthwith after the execution of this warrant you shall return the same to this Court, with the place, time, and mode of execution indorsed thereon, and with the money levied thereunder.

(Seal.)

* Day of the judgment or order, or day on which money directed to be paid, or day from which interest is directed by the order to run, as the case may be.

(B) 6.

Order to Garnishee to pay Judgment Creditor.

(General Heading.)

Whereas the above-named *A. B.* [judgment debtor] has been ordered by this Court in the above action to pay to the above-named *C. D.* [judgment creditor] £ , the whole of which sum is [or of which sum £ are] still unpaid: and whereas it has been proved to the Court that you are indebted to the said *A. B.* in £ : you are hereby required to pay to the said *C. D.* the debt so due from you to the said *A. B.*, or so much thereof as may be sufficient to satisfy the sum due under the said order from the said *A. B.* to the said *C. D.*: and in default of your doing so, take notice that execution may issue against you.

(Seal.)

(B) 7.

Warrant for Sale of Lands.

(General Heading.)

To , officer of the Court.

You are hereby commanded to sell the right, title, and interest of the above-named *C. D.* [judgment debtor] in the lands, tenements, and hereditaments specified in the Schedule hereunder written [*here insert any directions as to the time and mode of sale*]: and forthwith, after the execution of this warrant, you are to return the same to this Court, with the place, time, and mode of execution indorsed thereon, and with the proceeds of such sale.

Schedule.

(Seal.)

(B) 8.

Judgment Debtor Summons.

(General Heading.)

To , the above-named defendant.

You are hereby required to appear before this Court at , on the day of , at o'clock in the forenoon, then and there to be examined respecting your ability to satisfy the judgment recovered [*or order made*] against you in the above suit.

(Seal.)

(B) 9.

Warrant for Committal of Judgment Debtor.

(General Heading.)

To *X. Y.*, , officer of the Court.

The Court has this day ordered that the above-named *C. D.* be imprisoned as a judgment debtor for from the day of the order . You are therefore hereby commanded, you, the said *X. Y.*, to take the body of

the said *C. D.*, and convey him to the above-mentioned prison, and there deliver him to the keeper thereof, with this warrant.

And you, the keeper of that prison, to receive the said *A. B.* into your custody, and there to keep him safely for the time aforesaid.

Dated this

(Seal.)

(B) 10.

Warrant of Arrest [for Disobedience to a Judgment or Order].

(General Heading.)

To *X. Y.*, officer of this Court, and to the keeper of the prison at

It has been shown to the Court that *C. D.*, the above-named defendant [plaintiff], has failed to obey a judgment [or order] of the Court, dated , whereby the said *C. D.* was required to

You are therefore hereby required, you, the said *X. Y.*, to take the body of the said *C. D.*, and to convey him to the above-mentioned prison, and there deliver him to the keeper thereof, with this warrant.

And you, the keeper of that prison, to receive the said *A. B.* into your custody, and there keep him safely until the Court makes order to the contrary.

Dated, &c.

(Seal.)

(B) 11.

Warrant of Sequestration.

(General Heading.)

To *P. Q.* [and *X. Y.*]

It has been shown to the Court that *C. D.*, the above-named defendant [plaintiff], has failed to obey a judgment [or order] of the Court, dated , whereby the said *C. D.* was required to

You are therefore hereby authorized and commanded to enter upon and seize all the real and personal estate of the said *C. D.* within the district of this Court, and to collect and receive the rents and profits thereof, and to detain and keep the same under sequestration in your hands until the said *C. D.* shall appear before the Court and clear his contempt, or the Court shall make other order.

(Seal.)

(B) 12.

Affidavit of attesting Witness in Proof of the Execution of a Will or Codicil dated after 31st December, 1837.

(General Heading.)

In the matter of *A. B.*, deceased.

I, *C. D.*, of , make oath and say that I am one of the subscribing witnesses to the last will [or codicil, as the case may be] of *A. B.*, late of , deceased, the said will [or codicil] being now hereto annexed, bearing date , and that the testator executed the said will [or codicil] on the day of the date thereof, by

signing his name at the foot or end thereof [*or in the testimonium clause thereof, or in the attestation clause thereto, as the case may be*], as the same now appears thereon,* in the presence of me and of _____, the other subscribed witness thereto, both of us being present at the same time, and we thereupon attested and subscribed the said will [*or codicil*] in the presence of the testator.

C. D.

Sworn at _____, this _____ day of _____,
18 _____, before me,
X. Y.

* If the signature is in the testimonium clause or attestation clause insert, "intending the same for his final signature to his will."

(B) 13.

Oath for Executor.

(General Heading.)

In the matter of *A. B.*, deceased.

1, *C. D.*, of † _____, make oath and say as follows:—

1. I believe the paper writing [*or the paper writings*] hereto annexed and marked by me‡ to contain the true and original last will [*or last will with codicils*] of *A. B.*, late of _____, deceased.

2. I am the sole executor [*or one of the executors*] therein named [*or executor according to the tenour thereof, executor during life, executrix during widowhood, or as the case may be*].

3. I will faithfully administer the personal property of the testator by paying his just debts and the legacies given by his will [*or will and codicils*], so far as his personal property shall extend and the law bind me.

4. I will exhibit an inventory, and render an account of my executorship, whenever lawfully required.

5. The testator died at _____, on the _____ day of _____, 18 _____.

6. At the time of his death he had his fixed place of abode at _____, within the jurisdiction of this Court.

7. The whole of his personal property does not amount in value to the sum of _____, to the best of my knowledge, information, and belief.

C. D.

Sworn at _____, this _____ day of _____,
18 _____, before me,
E. F.

† Insert besides the name, &c., of the deponent, his relationship, if any, to the testator.

‡ Each testamentary paper is to be marked by the persons sworn and the person administering the oath.

Where more executors than one are appointed, and all are not sworn, a Memorandum should be made in the margin of the oath that power is to be reserved to the other executors or executor, or that they have or he has renounced.

(B) 14.

Oath for Administrator with Will annexed.

(General Heading.)

In the matter of *A. B.*, deceased.I, *C. D.*, of _____, make oath and say as follows:—

1. I believe the paper writing [*or the paper writings*] hereto annexed, and marked by me,* to contain the true and original last will [*or last will with codicils*] of *A. B.*, late of _____, deceased.

2. The executor therein named is dead without having taken probate thereof [*or as the fact may be*].

3. I am the residuary legatee in trust named therein [*or as the fact may be, stating the relationship, if any, of the deponent to the testator*].

4. I will faithfully administer the personal property of the testator, by paying his just debts and the legacies given by his will [*or will and codicils*], so far as his personal property shall extend and the law bind me, and distributing the residue of his personal property according to law.

5. I will exhibit an inventory and render an account of my administration whenever lawfully required.

6. The testator died at _____, on the _____ day of _____, 18 ____.

7. At the time of his death he had his fixed place of abode at _____, within the jurisdiction of this Court.

8. The whole of his personal property does not amount in value to the sum of _____, to the best of my knowledge, information, and belief.

C. D.

Sworn at _____, this _____ day of _____, 18 ____ , before me,

E. F.

* Each testamentary paper is to be marked by the persons sworn and the person administering the oath.

(B) 15.

Oath for Administrator (not with Will annexed).

(General Heading.)

In the matter of *A. B.*, deceased.I, *C. D.*, of _____, make oath and say as follows:—

1. *A. B.*, late of _____, deceased, died intestate, a bachelor, without parent, brother or sister, uncle or aunt, nephew or niece.

2. I am his lawful cousin german and one of his next of kin [*this must be altered in accordance with the circumstances of the case*].

3. I will faithfully administer the personal property of the deceased, by paying his just debts and distributing the residue of his property according to law.

4. I will exhibit an inventory and render an account of my administration whenever lawfully required.

5. The deceased died at _____, on the _____ day of _____, 18 ____.

6. At the time of his death he had his fixed place of abode at _____ ,
within the jurisdiction of this Court.

7. The whole of his personal property does not amount in value to the sum
of _____ , to the best of my knowledge, information, and belief.

C. D.

Sworn at _____ , this _____ day of _____ ,
18 _____ , before me,
E. F.

(B) 16.

Probate.

(General Heading.)

To be
written in
margin.
{ Sworn under
and that the testator died
on or about the
day of
18 _____ .

Be it known, that on the _____ day of _____ ,
18 _____ , the last will [*or the last will with* _____ codicils] (a
copy whereof is hereto annexed) of *A. B.*, late of _____ ,
deceased, who died on _____ , at _____ ,
and who at the time of his death had his fixed place of abode at _____ ,
within the jurisdiction of this Court, was
proved and registered in this Court; and that the administration
of the personal property of the said deceased was granted by this
Court to *C. D.*, the sole executor [*or as the case may be*] named in
the said will, he having been first duly sworn.

X. Y.,

Her Britannic Majesty's Consul at _____ .

(Seal.)

(B) 17.

Letters of Administration with Will annexed.

(General Heading.)

Sworn under
the testator died on or about the
day of
18 _____ , and that

Be it known, that *A. B.*, late of _____ , deceased,
who died on the _____ day of _____ , at _____ ,
and who had at the time of his death his fixed place of abode at _____ ,
within the jurisdiction of this Court, made
and duly executed his last will [*or his last will with*
codicils thereto], and did therein name [*according to the facts*].
And be it further known, that on the _____ day of _____ ,
18 _____ , letters of administration with the said will [and codicils]
annexed of the personal property of the deceased were granted by
this Court to *C. D.* [*insert the character in which the grant is*
taken], he having been first duly sworn.

X. Y.,

Her Britannic Majesty's Consul at _____ .

(Seal.)

(B) 18.

Letters of Administration (not with Will annexed).

(General Heading.)

Sworn under
, and
that the intestate died on or about
the day of
, 18 .

Be it known, that on the day of , 18 ,
letters of administration of the personal property of *A. B.*, late
of , deceased, who died on the day
of , 18 , at , intestate,
and who had at the time of his death his fixed place of abode at
 , within the jurisdiction of this Court,
were granted by this Court to *C. D.*, of ,
the widow [*or as the case may be*] of the said intestate, she having
been first duly sworn.

X. Y.,

Her Britannic Majesty's Consul at .

(Seal.)

(B) 19.

Double Probate.

(General Heading.)

Sworn under
, and that
the testator died on or about the
day of
, 18 .

Be it known, that on the day of ,
18 , the last will [with codicils] of *A. B.*, late of
 , deceased, who died on ,
at , and who at the time of his death had
his fixed place of abode at , within the
jurisdiction of this Court, was proved and registered in this Court,
and that administration of his personal property, and any way
concerning his will, was granted by this Court to *C. D.*, one of the
executors named in the said will [*or codicil*], he having been first
duly sworn, power being reserved of making the like grant to
E. F., the other executor named in the said will. And be it
further known, that on the day of ,
18 , the said will of the said deceased was also proved in this
Court, and that the like administration was granted by this Court
to the said *E. F.*, he having been first duly sworn.

X. Y.,

Her Britannic Majesty's Consul at .

(Seal.)

NOTE.—Former grant January , 18 , under the same sum.

(B) 20.

Letters of Administration of Goods not already Administered.

(General Heading.)

Sworn under
and that the
testator died on or about the
day of

Be it known, that *A. B.*, late of _____, deceased,
died on _____, 18____, at _____,
intestate, and had at the time of his death his fixed place of
abode at _____, within the jurisdiction of this
Court, and that since his death, namely, on the _____ day
of _____, 18____, letters of administration of his
personal property were granted by this Court to *C. D.* [*insert the
relationship or character of administrator*], which letters of
administration now remain on record in this Court, who, after
taking such administration upon him, partly administered the
personal property of the deceased, and afterwards, namely, on
_____, died, leaving part thereof unadministered,
and that on the _____ day of _____, 18____, letters of
administration of the personal property so left unadministered
were granted by this Court to _____, he having
been first duly sworn.

X. Y.,*Her Britannic Majesty's Consul at* _____.

(Seal.)

(B) 21.

Administration Bond.

Know all men by these presents, that we, *A. B.*, of _____,
C. D., of _____, and *E. F.*, of _____,
are jointly and severally bound unto *G. H.*, the High Commissioner for the
Western Pacific at _____, in the sum of _____,
to be paid to the said *G. H.*, or the Judge of the said Court for the time
being; for which payment we bind ourselves and each of us, for the whole,
our and each of our heirs, executors, and administrators, firmly by these
presents. Sealed with our seals. Dated the _____ day of _____,
18____.

(L.S.) *A. B.*(L.S.) *C. D.*(L.S.) *E. F.*

The condition of the above-written obligation is such that if the above-
named *A. B.*, the intended administrator of the personal property of *I. J.*, late
of _____, deceased, who died on the _____ day of _____,
[left unadministered by _____], do make a
true and perfect inventory of the personal property of the deceased [*or left
unadministered*], which has or shall come into [his] possession, or into the
possession of any person for [him], and the same so made do exhibit into this
Court whenever required by law so to do; and the same personal property, and
all other the personal property of the deceased which shall, at any time after
the making and exhibition of such inventory, come into the possession of the
said *A. B.*, or of any person for [him], do well and truly administer according

to law; (that is to say), do pay the debts which the deceased owed at [his] death, and all the residue of the said personal property do deliver and pay to such person or persons as shall be entitled thereto; and further, do make a true and just account of [his] administration whenever lawfully required; and in case it shall hereafter appear that any will was made by the deceased, and the executor or executors therein named do exhibit the same for probate, then if the said *A. B.*, being thereunto required, do duly render and deliver up the letters of administration granted to him, then this obligation shall be void, and otherwise shall remain in full force.

Signed, sealed, and delivered before this Court.

(Seal.)

(B) 22.

Administration Bond for Administrators with Will annexed.

Know all men by these presents, that we, *A. B.*, of _____,
C. D., of _____, and *E. F.*, of _____,
 are jointly and severally bound unto *G. H.*, Her Majesty's High Commissioner for the Western Pacific, in the sum of _____, to be paid to the said *G. H.*, or the High Commissioner for the time being, for which payment we bind ourselves and each of us, the whole, our and each of our heirs, executors, and administrators, firmly by these presents. Sealed with our seals. Dated the _____ day of _____, 18 ____.

(L.S.) *A. B.*
 (L.S.) *C. D.*
 (L.S.) *E. F.*

The condition of the above-written obligation is such, that if the above-named *A. B.*, the intended administrator with will annexed of the personal property of *I. J.*, late of _____, deceased, who died on the _____ day of _____, do make a true and perfect inventory of the personal property of the deceased [left unadministered by _____], which has or shall come into [his] possession, or into the possession of any person for [him], and the same so made do exhibit into this Court whenever required by law so to do; and the same personal property [so left unadministered], and all other the personal property of the deceased which shall, at any time after the making and exhibition of such inventory, come into the possession of the said *A. B.*, or of any person for [him], do well and truly administer, (that is to say), do pay the debts which the deceased owed at [his] death, and then the legacies given by the said will annexed to the said letters of administration as far as such personal property will extend, and the law bind [him], and all the residue of the said personal property do deliver and pay unto such person or persons as shall be by law entitled thereto, and further do make a true and just account of [his] said administration whenever lawfully required, then this obligation shall be void, and otherwise shall remain in full force.

Signed, sealed, and delivered before this Court.

(Seal.)

(B) 23.

Declaration of the Personal Property of a Testator or an Intestate.

(General Heading.)

A true declaration of all the personal property of *A. B.*, late of , deceased, who died on the day of , at , and had at the time of his death his fixed place of abode at , within the jurisdiction of this Court, which have at any time since his death come to the possession or knowledge of *C. D.*, the administrator with the will annexed of the said *A. B.* [*or administrator, as the case may be*], made and exhibited upon and by virtue of the oath [*or solemn affirmation*] of the said *C. D.*, as follows :—

	£ s. d.
First, I declare that the deceased was at the time of his death possessed of or entitled to 	
[<i>The details of the deceased's property must be here inserted, and the value inserted opposite to each particular.</i>]	

Lastly, I say that no personal property of the deceased has at any time since his death come to my possession or knowledge, save as is hereinbefore set forth.
C. D.

On the day of , 18 , the said *C. D.* was duly sworn to [*or solemnly affirmed*] the truth of the above-written inventory.
Before me [*person authorized to administer oaths*].

(B) 24.

Justification of Sureties.

(General Heading.)

In the matter of *A. B.*, deceased.

We, *C. D.*, of , and *E. F.*, of , severally make oath and say that we are the proposed sureties in the penal sum of on behalf of *G. H.*, the intended administrator of the personal property of *A. B.*, late of , deceased, for his faithful administration thereof; and I, the said *C. D.*, for myself, make oath and say that I am, after payment of all my just debts, well and truly worth in money and effects the sum of ; and I, the said *E. F.*, for myself, make oath and say that I am, after payment of all my just debts, well and truly worth in money and effects the sum of .
C. D.
E. F.

Sworn by the deponents, *C. D.* and *E. F.*, at , this day of , 18 , before me,
X. Y.

(B) 25.

Renunciation of Probate and Administration with Will annexed.

(General Heading.)

In the matter of *A. B.*, deceased.

Whereas *A. B.*, late of _____, deceased, died on the _____ day of _____, 18____, at _____, having had at the time of his death his fixed place of abode at _____, within the jurisdiction of this Court; and whereas he made and duly executed his last will, dated the _____ day of _____, 18____,* and thereof appointed *C. D.* executor and residuary legatee in trust [*or as the case may be*]:

Now I, the said *C. D.*, do hereby declare that I have not intermeddled in the personal property of the deceased, and will not hereafter intermeddle therein, with intent to defraud creditors or any person interested in the administration or distribution of the property of the deceased, and, further, do hereby expressly renounce all right to probate of the said will [and codicils, *if any*], and to administration with the said will [and codicils, *if any*] annexed of the personal property of the deceased.

In witness whereof I have hereto set my hand and seal, this _____ day of _____, 18____.

(L.S.) *C. D.*

Signed, sealed, and delivered by the above-named *C. D.*, in the presence of *G. H.*

* If there are codicils their dates should be also inserted.

(B) 26.

Renunciation of Administration.

(General Heading.)

Whereas *A. B.*, late of _____, deceased, died on the _____ day of _____, 18____, at _____, intestate, a widower, having had at the time of his death his fixed place of abode at _____, within the jurisdiction of this Court; and whereas I, *C. D.*, of _____, am his lawful child, and his only next of kin [*or as the case may be*]:

Now, I, the said *C. D.*, do hereby declare that I have not intermeddled in the personal property of the deceased, and, further, do hereby expressly renounce all right to administration thereof.

In witness whereof I have hereto set my hand and seal, this _____ day of _____, 18____.

(L.S.) *C. D.*

Signed, sealed, and delivered by the said *C. D.*, in the presence of *G. H.*

(B) 27.

Order to a Person to bring in a Paper purporting to be Testamentary.

(General Heading.)

The _____ day of _____, 18____.

To *C. D.*, of _____.

Whereas it appears by a certain affidavit filed in this Court on the _____ day of _____, 18____, and made by _____, of _____,

that a certain original paper, being or purporting to be testamentary, namely [*here describe the paper*], bearing date the day of , 18 , is now in your possession or under your control :

Now this is to command you, in Her Majesty's name, that within eight days after service hereof on you, inclusive of the day of such service, you do bring into and leave in this Court the said original paper, or in case the said original paper be not in your possession or under your control, that you, within eight days after the service hereof on you, inclusive of the day of such service, do file in this Court an affidavit to that effect, and therein set forth what knowledge you have of and respecting the said paper.

(Seal.)

(B) 28.

Affidavit of Handwriting.

(General Heading.)

In the matter of *C. D.*, deceased.

I, *A. B.*, of , make oath and say I knew and was well acquainted with *C. D.*, late of , deceased, who died on the day of , at , for many years before and down to his death, and that during that time I have frequently seen him write and sign his name, whereby I have become well acquainted with his handwriting and signature, and having now with care and attention inspected the paper writing hereunto annexed, purporting to be the last will of the said *C. D.*, beginning thus, , ending thus, , dated the day of , and signed thus "*C. D.*," I say that I believe [the whole body and contents of the said will, together with] the signature "*C. D.*" thereto, to be of the handwriting of the said *C. D.*, deceased.

A. B.

Sworn at , this day of , 18 , before me,
E. F.

(B) 29.

Affidavit of Finding and Condition of Will.

(General Heading.)

In the matter of *E. F.*, deceased.

I, *A. B.*, of , make oath and say that I am the sole executor named in the paper writing hereto annexed, purporting to be the last will of *E. F.*, late of , deceased (who died on the day of , at , and had at his death his fixed place of abode at , within the jurisdiction of this Court), the said will bearing date the day of , beginning thus, , ending thus, , and being signed thus, "*E. F.*," and that [*here describe the finding of the will, and the various obliterations, interlineations, erasures, and alterations (if any), and the general condition of the will, and state any other matters requiring to be accounted for,*

and clearly trace the will from the possession of the deceased in his lifetime up to the time of the making of this affidavit]; and I lastly say that the same paper writing is now in all respects in the same condition as when found [*or as the case may be*].

A. B.

Sworn at _____, this _____ day of _____,
18 _____, before me,
I. J.

(B) 30.

Affidavit of Search.

(General Heading.)

In the matter of C. D., deceased.

I, A. B., of _____, make oath and say that I am the sole executor named in the paper writing hereto annexed, purporting to be the last will of C. D., late of _____, deceased (who died on the _____ day of _____, 18 _____, at _____, and had at the time of his death his fixed place of abode at _____, within the jurisdiction of this Court), the said will beginning thus “ _____,” ending thus, “In witness whereof I have hereunto set my hand this _____ day of _____, in the year of our Lord 1854” [*or as the case may be*], and being signed thus, “C. D.” And referring particularly to the fact that the blank spaces originally left in the said will for the insertion of the day and the month of the date thereof have never been supplied [*or that the said will is without date, or as the case may be*], I further say that I have made inquiry of [E. F., the solicitor of the said deceased], and that I have also made diligent and careful search in all places where the said deceased usually kept his papers of moment, in order to ascertain whether he had or had not left any other will, but that I have been unable to discover any other will. And I lastly say that I believe the deceased died without having left any will, codicil, or testamentary paper whatever other than the said will by me hereinbefore deposed to.

A. B.

Sworn at _____, this _____ day of _____,
18 _____, before me,
G. H.

[*This form of affidavit is to be used when it is shown by affidavit that neither the subscribing witnesses nor any other person can depose to the precise time of the execution of the will.*]

(B) 31.

Notice to Prohibit Grant of Probate or Administration.

(General Heading.)

In the matter of A. B., deceased.

Let nothing be done in the matter of A. B., late of _____ deceased, who died on the _____ day of _____, at _____, and had at the time of his death his fixed place of abode at _____,

within the jurisdiction of this Court, without warning being given to *C. D.*,
of [or to *E. F.*, of , the attorney
of *G. H.*, of].

Dated this day of , 18 .

(Signed) *C. D.*, of [or *E. F.*,
of , the attorney
of *G. H.*, of].

(B) 32.

Warning to Person filing Notice to prohibit Grant.

(General Heading.)

In the matter of *A. B.*, late of , deceased.

To *C. D.*, of [or to *E. F.*, of , attorney
of *G. H.*, of].

You are hereby warned, within six days after the service of this warning upon you, inclusive of the day of such service, to come to this Court and file therein an affidavit setting forth your [or your client's] interest in this matter; and in default of your so doing this Court will proceed to all such acts and things as shall be needful to be done in this matter.

NOTE.—This warning is issued at the instance of *R. S.*, of ,
[here state what interest *R. S.* has, and if under a will or codicil state its date].
(Seal.)

(B) 33.

List of Probates and Administrations.

(General Heading.)

The [1st] day of August, 18 .

LIST of Probates and Administrations granted by this Court up to the 1st day of July, 18 , and not included in any previous List.

Date of Grant.	Name in full of Deceased.	His or her Business, Profession, or other description.	Place of his or her Death.	Time of his or her Death.	Name and Description of each Executor or Administrator taking Probate or Administration.	Value of the Personal Property.

(Signed) *X. Y.*

(Seal.)

PART (C).—CRIMINAL.

Application of Part (C).

83. The provisions in Part (C) apply to criminal proceedings only.

Charge.

84.—(1.) Criminal proceedings are begun by a charge.

(2.) The charge is made before the Court by the person preferring it (called the prosecutor).

(3.) The Court makes at the time a Minute in writing of the charge, stating the name of the prosecutor, the name of the person against whom the charge is made (called the accused), and the substance of the offence. (Form (C) 1.)

Process to compel Appearance.

85. If the accused is not already in custody, his appearance is compelled by summons or by warrant according to the circumstances of the case.

Summons.

86.—(1.) For the issuing of a summons, it is not necessary that the charge be sworn to unless in any case the Court so requires.

(2.) A summons to compel appearance is a document under the seal of the Court in the Form (C) 2, or some Form to the like effect. It states the substance of the charge, and names a time and place at which the accused is commanded to appear.

(3.) The summons is served by an officer of the Court.

Warrant of Arrest.

87.—(1.) A warrant to arrest the accused is not issued in the first instance unless the charge is sworn to by the prosecutor or some other person.

(2.) If the charge is sworn to, and the procedure by way of summons appears to the Court to be ineffective, a warrant may issue in the first instance instead of a summons.

(3.) If the accused, having been in the first instance summoned, fails to obey the summons, the Court may, on proof of service of the summons, issue a warrant.

(4.) A warrant of arrest is a document under the seal of the Court in the Form (C) 3, or some Form to the like effect, addressed to the officer of the Court. It states the name of the accused and the substance of the charge, and requires the person executing it to arrest the accused and bring him before the Court. It need not be made returnable at any particular time, and remains in force until executed.

Form of Charge.

88. The description of an offence in the words of any Act of Parliament under which the offence arises, or if the offence charged is one against the Pacific Order, or the Queen's Regulations, then in the words of that Order, or in either case in similar words, is sufficient.

Bringing Persons arrested before the Court.

89.—(1.) Where a person is arrested on a charge under a warrant he must, if practicable, be brought before the Court within forty-eight hours from the time of his arrest.

(2.) If in any case more than forty-eight hours elapse between the arrest of the accused and his being brought before the Court, the fact, and the reason for the delay, must be recorded in the Minutes.

Bail.

90.—(1.) The mode of giving bail is by recognizance binding the accused to appear as and when required. (Form (C) 13, (C) 14.)

(2.) The recognizance is entered into by the accused with or without sureties, as the Court thinks fit.

(3.) On the completion of the recognizance the accused is discharged from custody.

(4.) If a person out on bail fails to appear when required the Court, in addition to forfeiting his recognizance, may, if it thinks fit, issue a warrant for his arrest. (Form (C) 3.)

Preliminary Examination.

91. The object of a preliminary examination is to inquire whether there is reasonable ground for putting the accused upon his trial, and whether the attendance of the necessary witnesses at the place of trial can be secured, and to determine whether the accused ought to be removed for trial or tried in the district.

Procedure at Preliminary Examination.

92.—(1.) The preliminary examination is conducted by the Court in the presence of the accused.

(2.) At the preliminary examination, the Court takes down in writing the evidence of the witnesses for the prosecution and of the witnesses (if any) tendered for examination by the accused, and enters it in the Minutes. The evidence of a witness when so taken down is called a deposition. (Form (C) 5.)

(3.) The deposition of each witness is read over to the witness as soon as his evidence is finished, and signed by him at the time.

Discharge of the Accused.

93. If the Court, after hearing the evidence, is of opinion that there is no reasonable ground for putting the accused on his trial, the accused, if in custody, is discharged.

Order for Trial.

94. If the Court considers the evidence sufficient to put the accused on his trial, the Court either makes an order for the removal of the accused for trial or makes an order for the trial of the accused before the proper Court. In either case the order made, which is recorded in the Minutes (Forms (C) 6, (C) 7), states the charge as it appears to the Court to be sustainable on the evidence.

Order for Removal for Trial.

95. If an order is made for the removal of the accused for trial, the following provisions apply—

- (1.) The Court forthwith issues a warrant of removal.
- (2.) A warrant of removal for trial is a document in the Form (C) 16, or some similar Form, sealed with the seal of the Court, and addressed to an officer of the Court. It is issued in duplicate, and both copies are delivered to the person executing it.
- (3.) Pending the execution of the warrant the Court either admits the accused to bail, or orders him to be kept in custody. In the latter case the warrant of removal is indorsed in the Form (C) 16, or in some similar Form.
- (4.) The Court transmits copies, certified under the hand of the Judge and under the seal of the Court, of the depositions and of the order for removal for trial to the Court before which the accused person is ordered to be tried.

Order for Trial before the Court.

96. If an order is made for the trial of the accused before the Court, the following provisions apply :—

- (1.) The Court makes a special note in the Minutes of the reasons for not removing the trial.
- (2.) The Court may bind by recognizance the prosecutor and the witnesses for the prosecution and for the defence to appear at the trial and prosecute or give evidence. (Forms (C) 13, (C) 14.)
- (3.) If the prosecutor or any of the witnesses, being a person subject to the jurisdiction of the Court, refuses to enter into such recognizance the Court may order him to be kept in custody until the trial, unless in the meantime he enters into such recognizance. In such case the Court issues a warrant of commitment in the Form (C) 15, or some similar Form.
- (4.) Until the trial, the Court either admits the accused to bail or orders him to be kept in custody. In the latter case the Court issues a warrant of commitment in the Form (C) 4, or some Form to the like effect.
- (5.) The accused person ordered for trial is entitled to a copy of the charge, and on payment of a sum not exceeding 6*d.* per 100 words, or, if the Court thinks fit, without payment, to a copy of the depositions. The Court, when ordering the accused for trial, informs him of this provision.
- (6.) The date of the trial is named in the order for trial, and the prisoner is informed of such date at the time when the order is made. The trial may be held on a subsequent day if the Court so decides; but except for special reasons to be recorded in the Minutes, the date named for trial must be not later than fourteen days after the close of the preliminary examination.

Place of Preliminary Examination.

97. The public have no right of access to the place in which a preliminary examination is held.

Notice to Prosecutor of Trial.

98. Notice is given by the Court to the prosecutor of the time and place appointed for the trial. (Form (C) 8.)

Absence of Parties.

99.—(1.) If at the appointed time and place the prosecutor is not present, the Court dismisses the charge, unless for some reason, to be recorded in the Minutes, it sees fit to adjourn the trial. (Form (C) 10.)

(2.) Except in the case provided for by Rule 73 (5), no charge can be heard in the absence of the accused.

Hearing.

100. If at the time and place appointed for the trial, or adjourned trial, both the prosecutor and the accused are present, the Court and (if the case is tried with assessors) the assessors proceed to hear and dispose of the charge.

(1.) The substance of the charge is stated to the accused, and he is asked if he admits or denies the truth.

(2.) If he admits the truth of the charge, the Court may convict him.

(3.) If he denies the truth of the charge, the Court proceeds to hear the evidence.

(4.) If he asserts that he has been previously convicted or acquitted of the same charge, the Court inquires into and ascertains the truth of his answer before proceeding to hear the evidence.

(5.) If he appears to be of unsound mind, the Court may from time to time make such order for his safe keeping as the Court thinks fit.

Decision.

101. After hearing the evidence the Court considers the whole matter, and either convicts the accused or dismisses the charge.

Conviction and Sentence.

102. In cases of conviction the Court enters on the Minutes the conviction and the sentence (if any), together with any order which the Court may make ordering the person convicted to give security for future good behaviour, or to be deported, or to pay damages or costs. (Form (C) 2.)

Dismissal.

103.—(1.) When a charge is dismissed an order of dismissal is entered on the Minutes, together with any order requiring the prosecutor to pay costs which the Court may make. (Form (C) 10, (C) 11.)

(2.) A certificate of dismissal, sealed with the seal of the Court, is, on the application of the accused, furnished to him by the Court. (Form (C) 12.)

(3.) Such certificate is conclusive evidence of the dismissal of the charge, and a bar to any subsequent charge against the accused in respect of the same matter.

Place of Trial.

104. The place of trial is an open Court, and the public have a right of access thereto.

GENERAL PROVISIONS.

Accused and Husband or Wife competent Witnesses.

105.—(1.) In all criminal proceedings, including preliminary examinations, the accused and the husband or wife of the accused are competent, but not compellable, to give evidence.

(2.) When the accused, or the husband or wife of the accused, offer themselves as witnesses, they take the oath or declaration required of witnesses, and are examined and subject to be cross-examined in the same way as ordinary witnesses.

Adjournment, &c.

106.—(1.) Where a preliminary examination or trial cannot conveniently be finished in a single day it is resumed, if possible, on the next day, and so on from day to day (except Sundays) until it is brought to an end.

(2.) But the Court may, in the presence and hearing of the parties, and for reasons to be recorded in the Minutes, postpone or adjourn a preliminary examination or trial when and so often as justice requires; but if the accused is kept in custody no postponement or adjournment shall be for more than fourteen days.

(3.) Such postponement or adjournment must be to a stated time and place, and in the interval the Court may, in its discretion, either suffer the accused to go at large, or order him to be kept in custody, or admit him to bail.

(4.) If the accused is ordered to be kept in custody the Court issues a warrant of commitment in the Form (C) 4, or some Form to the like effect.

(5.) If at the time and place to which a preliminary examination or trial has been postponed or adjourned the accused does not appear, the Court may, if it thinks fit, for reasons to be recorded in the Minutes, proceed as if the accused were present.

Security to be of Good Behaviour.

107. When the Court requires a person to give security to keep the peace, or to be of good behaviour, a recognizance in the Form (C) 13, or some similar Form may be used.

EXECUTION.

Imprisonment.

108.—(1.) Where on a conviction the offender is sentenced to be imprisoned the Court issues a warrant of imprisonment (Form (C) 19), or a warrant of removal for imprisonment. (Form (C) 17.)

(2.) When a warrant of removal for imprisonment is issued, the Court enters on the Minutes the grounds for issuing such warrant. The Court in such case transmits to the proper gaoler, constable, magistrate, or officer, in the place selected for the execution of the sentence, a certified copy of the conviction and sentence, and a written notice that a warrant of removal for imprisonment has been issued.

Deportation.

109. When a person makes default in giving security to keep the peace or be of good behaviour as required by the Court, the Court may issue a warrant of deportation. (Form (C) 18).

Payment of Money.

110.—(1.) Where the Court orders money to be paid by an accused person or by a prosecutor, by way of fine or damages, or for costs, the order may be enforced by seizure and sale, in the same manner as a judgment in an action for payment of money.

(2.) If after execution by seizure and sale the order remains wholly or in part unsatisfied, the Court may issue a warrant of commitment (Form (C) 20), committing the person who has disobeyed the order to prison, without hard labour, for a term not exceeding one month, for every 20*l.* or part thereof then unpaid, unless the money and all expenses of the commitment and conveyance to prison, the several amounts of which are specified in the warrant, are sooner paid.

(3.) Upon payment or tender by the prisoner, or some person on his behalf, of the amounts specified in the warrant, the prisoner is entitled to be discharged if he is in custody for no other matter.

Sale of Goods forfeited.

111.—(1.) When any goods smuggled or imported, or any ship, boat, cask, or case, or receptacle containing such goods, are, on conviction of an offender, declared forfeited to Her Majesty, the Court may issue a warrant of sale. (Form (C) 21.)

(2.) The warrant is addressed to an officer of the Court, and authorizes and directs him to sell by public auction the goods therein named.

(3.) The officer pays the proceeds of the sale into Court, and the Court may deduct therefrom a reasonable sum for the expenses of the sale.

Search Warrant.

112.—(1.) If it is made to appear to the Court by the oath or declaration of a credible witness that there is reasonable cause to suspect that any person subject to the jurisdiction of the Court has on his premises any property or thing, on or by or with respect to which any crime or offence cognizable by the Court has been committed, the Court may issue a search warrant.

(2.) The information of the applicant for a search warrant is taken down in writing, and signed by him. It must describe the goods, the premises on which they are suspected to be, and the grounds for the suspicion.

(3.) The search warrant is directed to an officer therein named, and he alone has authority to execute it, but in executing it he may be assisted by other persons.

(4.) The search warrant authorizes and directs the officer to search the premises therein named, and those only, for the goods therein named, and those only, and to seize and bring before the Court any of the said goods which he there finds. The goods and premises named in the warrant are those described in the information of the applicant. (Form (C) 23.)

(5.) The search warrant may also authorize and direct the officer to arrest the occupier of the premises if any of the goods are there found.

(6.) If the premises are closed, and the officer, after demanding admission and showing his authority, is refused entrance, he may break open the doors.

(7.) A search warrant may not be executed in the night-time.

(8.) If it appears to the Court that a search warrant has been applied for maliciously, and without reasonable and probable cause, he may, in addition to any punishment to which the applicant may be liable for giving false evidence, order him to pay damages to the occupier of the premises searched.

Time and Place of Execution.

113.—(1.) A warrant of arrest, or of commitment, or of removal, or a search warrant, may be issued or executed on any day.

(2.) Any summons, warrant or order, issued or made in a criminal proceeding, may be executed anywhere within the limits of this Order, and every Court is to aid in the execution thereof.

CRIMINAL FORMS (C).

(C) 1.

Charge.

(General Heading.)

C. D., of _____, [labourer], charges that [*state the offence*].

The charge may be stated as follows (for instance) :

(a.) On the _____ day of _____, at _____, the above-named *A. B.* did unlawfully assault and beat the said *C. D.* [being then one of the officers of _____, at _____, and being then and there in the execution of his office as such officer].

(b.) On the _____ day of _____, at _____, the above-named *A. B.* did threaten to shoot the said *C. D.*, and that he, the said *C. D.*, believes that he is in danger of receiving bodily injury from the said *A. B.*

(c.) On the _____ day of _____, at _____, the above-named *A. B.* did unlawfully and knowingly, by certain false pretences, obtain from the said *C. D.* the sum of _____ in money [*or a certain valuable security (namely), a banker's order for the payment of _____, and of the value of _____*], the same being the property of the said *C. D.*, with intent thereby then and there to cheat and defraud the said *C. D.* of the same.

(d.) On the _____ day of _____, at _____, the above-named *A. B.* did feloniously forge a certain bill of exchange for payment of _____, with intent thereby then and there to defraud.

(e.) On the _____ day of _____, at _____, the above-named *A. B.* did feloniously steal the sum of _____ in money, the same being the property of the said *C. D.*

(Seal.)

(C) 2.

Summons to Accused.

(General Heading.)

To *A. B.*, of _____, [labourer].

You have this day been charged [on oath], before this Court, for that you [*stating shortly the offence charged as in Form (C) 1*].

Therefore you are hereby commanded to appear before this Court on [*Saturday next*], the _____ day of _____, at [10 o'clock in the forenoon], at _____, to answer to the said charge, and to be further dealt with according to law.

(Seal.)

(C) 3.

Warrant of Arrest.

(General Heading.)

To *X. Y.*, and other officers of the Court.

The above-named *A. B.* is charged before this Court for that he [*stating shortly the offence charged as in Form (C) 1*].

Therefore you are hereby commanded to arrest the said *A. B.*, and to bring him before this Court to answer the said charge and to be dealt with according to law.

Dated this

(Seal.)

(C) 4.

Warrant of Commitment for Safe Custody of the Accused during an Adjournment of the Hearing, or where the Hearing is not at once proceeded with, or after an Order for Trial.

(General Heading.)

To *X. Y.*, officer of this Court, and to the keeper of prison,

The hearing of the above charge is adjourned [*or is ordered to take place on*], [*or cannot be at once proceeded with*], and it is necessary that the above-named *A. B.* should in the meantime be kept in safe custody.

Therefore you are hereby commanded, you, the above-named *X. Y.*, forthwith to convey the said *A. B.* to the above-mentioned prison, and there deliver him to the keeper thereof, together with this warrant. And you, the keeper of the said prison, to receive the said *A. B.* into your custody in the said prison, and there safely keep him until the day of instant, and then to have him before this Court at [10 o'clock in the forenoon] of the same day, at , to answer further to the said charge, and to be further dealt with according to law.

Dated this day of .

(Seal.)

PRELIMINARY EXAMINATION.

(C) 5.

Deposition.

(General Heading.)

In the presence and hearing of the above-named *A. B.* [*accused*], *C. D.*, of , deposes on oath as follows:—

[*State the evidence as nearly as possible in the words used by the witness; let the deposition be read over to him; and then let him sign it.*]

If the accused offers himself or his wife or husband as a witness, the deposition will begin as follows:—

The above-named *A. B.* offers himself as a witness, and deposes on oath as follows [*or, P. Q., the wife or husband of the said A. B., offers himself as a witness, and, in the presence and hearing of the said A. B., deposes on oath as follows*]:—

(C) 6.

Order for Removal for Trial.

(General Heading.)

The Court having heard and considered the evidence at the preliminary examination, orders that the above-named *A. B.* be removed to _____, there to be put on his trial before _____ on the following charge:—

For that he, &c. [*state charge as it appears to the Court to be sustainable on the evidence*].

Dated this _____ day of _____ .
(Seal.)

(C) 7.

Order for Trial before the Court with Assessors.

(General Heading.)

The Court having heard and considered the evidence at the preliminary examination, orders that the above-named *A. B.* be put on his trial before this Court sitting with assessors on the following charge:—

For that he, &c. [*state charge as it appears to the Court to be sustainable on the evidence*].

And the Court orders that the said trial be held at _____, on _____ .

Dated this _____ .
(Seal.)

(C) 8.

Notice to Prosecutor of Trial.

(General Heading.)

Take notice that the above charge will be heard by this Court at _____, on the _____ day of _____, at _____ o'clock.

Dated this _____ .
(Seal.)

TRIAL.

(C) 9.

Conviction and Sentence.

(General Heading.)

The above-named *A. B.* stands convicted before the Court for that [*state offence, and time and place thereof*].

Thereupon the Court sentences the said *A. B.* for his said offence [*here insert such one or more of the following paragraphs as is applicable to the case*]:

(a.) To be imprisoned [and kept to hard labour] [*or to be kept in penal servitude*] for _____ ;

(b.) To pay the sum of £ _____ as a fine for his said offence;

(c.) To pay to *C. D.*, the prosecutor, the sum of £ _____, as damages in respect of the said offence;

(d.) To pay to *C. D.* the sum of £ for the costs of the said *C. D.*;

(e.) To give security for his future good behaviour by entering forthwith
[or within days] into a recognizance [with two sureties] in the sum
of £ ;

(f.) To be deported forthwith [or after the expiration of the said term of
imprisonment, or penal servitude, or in default of giving security within
] to

The said sum of [or several sums] of are to be paid
into Court on or before the day of [or forthwith].
(Seal.)

(C) 10.

Dismissal on Non-appearance of Prosecutor.

(General Heading.)

The prosecutor not appearing, the Court dismisses the above-mentioned charge.

(Seal.)

(C) 11.

Dismissal on Merits.

(General Heading.)

The Court having considered the matter of the above-mentioned charge determines that the same is not proved, and dismisses it.

(Seal.)

[If prosecutor ordered to pay costs add to (C) 10 or (C) 11:

And the Court orders that *C. D.*, the prosecutor, do pay to the said *A. B.*
the sum of for the costs of the said *A. B.*

The said sum is to be paid into Court on or before the day
of [or forthwith].

(C) 12.

Certificate of Dismissal.

(General Heading.)

This Court hereby certifies that a charge preferred by *C. D.* against the
above-named *A. B.* for that [state the charge as originally preferred, or as
amended, or as set out in the order for trial] was this day considered and dis-
missed by this Court [or was this day, the prosecutor not appearing in support
thereof, dismissed by this Court].

Dated this day of .

(Seal.)

(C) 13.

Recognizance (without Sureties).

(General Heading.)

I, the Undersigned, acknowledge myself to owe our Sovereign Lady Queen Victoria the sum written opposite my signature hereto, to be raised by seizure and sale of my goods if the condition hereon indorsed is not fulfilled.

Dated this day of .

Signature.	Address.	Description.	Sum.
<i>A. B.</i>			

[Indorsement.]

The condition of the within written recognizance is as follows: [*as the case may be*].

(a.) *Bail for Appearance of Accused.*

If the within-named *A. B.* appears before this Court on , at , to answer the within-mentioned charge, then the said recognizance shall be void, and otherwise it shall be in force.

(b.) *For Good Behaviour of Accused.*

If the within-named *A. B.* keeps the public peace and is of good behaviour towards all persons (and especially towards *P. Q.*) during , then the said recognizance shall be void, and otherwise it shall be in force.

(c.) *To Prosecute or give Evidence.*

If the within-named *C. D.* appears before this Court on , at , and then and there prosecutes [and (or) gives evidence on] the within-mentioned charge, then the said recognizance shall be void, and otherwise it shall be in force.

(C) 14.

Recognizance (with Sureties).

(General Heading.)

We, the Undersigned, severally acknowledge ourselves to owe to our Sovereign Lady Queen Victoria the sums set opposite our respective signatures hereto, to be raised by seizure and sale of our several goods if the condition hereon indorsed is not fulfilled.

Dated this .

Signatures.	Addressès.	Description.	Sums.
<i>A. B.</i>			
<i>L. M.</i>			
<i>N. O.</i>			

(Indorsement as in (C) 13.)

(C) 15.

Warrant of Commitment for Refusal to enter into Recognizance.

(General Heading.)

To *X. Y.*, officer of this Court, and to the keeper of the prison at
E. F., of , [labourer], being now examined as a witness
before this Court concerning the above-mentioned charge, and being required
to enter into a recognizance to give evidence concerning the same on the trial
thereof [*or as the case may be*] refuses to do so.

Therefore you are hereby commanded, you, *X. Y.*, to take the said *E. F.* and
convey him to the above-mentioned prison, and there deliver him to the keeper
thereof, with this warrant.

And you, the keeper of that prison, to receive the said *E. F.* into your
custody there, and to keep him there safely until after the trial of the said
charge, unless he, in the meantime, consents to enter into such recognizance as
aforesaid.

Dated this day of , 18 .

(Seal.)

WARRANTS.

(C) 16.

Warrant of Removal for Trial.

(General Heading.)

To *X. Y.*, and other officers of the Court.

This Court having ordered that the above-named *A. B.* be removed for trial
to , there to be put on his trial before

You are hereby commanded, with proper assistance, to convey the said *A. B.*
to , and there deliver him to the proper gaoler, constable,
magistrate, or other officer of the said Court, together with this warrant, or the
duplicate thereof.

(Seal.)

Indorsement of Committal where Removal cannot be at once effected.

To *X. Y.*, officer of the Court.

The execution of the within warrant cannot be at once proceeded with.

Therefore you are hereby commanded to receive the within-named *A. B.*

into your custody, and there safely keep him until you are able to execute the within warrant.

(Seal.)

(C) 17.

Warrant of Removal for Imprisonment.

(General Heading.)

To X. Y., and other officers of the Court.

The above-named *A. B.* having been on the day of , convicted before this Court for that [*state offence*].

The Court did thereupon sentence the said *A. B.* for his said offence to be imprisoned for [*with hard labour*].

You are therefore hereby commanded, with proper assistance, to convey the said *A. B.* to , that the said sentence may there be carried into effect, and you are there to deliver him to the magistrate, gaoler, or other officer to whom it may appertain to give effect to any sentence passed by the Court there exercising criminal jurisdiction, together with this warrant, or a duplicate thereof.

(Seal.)

Indorsement of Committal pending Removal (if necessary) as in Form (C) 16.

(C) 17 A.

Order for Deportation.

(General Heading.)

Whereas [*A. B.* has been convicted of the crime or offence of , or as the case may be, it appears to the Court that *A. B.* is about to commit a breach of the peace, or as the case may be, it appears to the Court that *A. B.* is about to commit an offence against the Pacific Islanders Protection Acts, 1872 and 1875, or as the case may be, it appears to the Court that the conduct of *A. B.* is likely to produce or excite a breach of the peace].

And whereas *A. B.* has been ordered to give security for peace and good behaviour, and has made default in giving such security.

It is ordered that *A. B.* be deported [forthwith, or as the case may be, after undergoing the sentence passed upon him] to , and that *A. B.* do pay to the expenses of his deportation, not exceeding [5*l.*].

And this order is to be in force [for one year from the date hereof, or as the case may be].

Dated

(Signed)

(Seal.)

(C) 17 B.

Order of Prohibition.

Whereas it has been shown by information on oath to the satisfaction of me, Her Britannic Majesty's High Commissioner for the Western Pacific, that

A. B., a British subject [is disaffected to Her Majesty's Government, or as the case may be, that *A. B.*, a person subject to the jurisdiction of the Court, has committed an offence against the Pacific Islanders Protection Acts, 1872 and 1875, or as the case may be, is about to commit an offence against the Pacific Islanders Protection Acts, 1872 and 1875, or as the case may be, is dangerous to peace and good order within the limits of "The Pacific Order in Council, 1893"].

I do hereby prohibit *A. B.* from being within the limits of the said Order in Council [or as the case may be, within], during the period of [one year, or as the case may be] from the date hereof.

Dated

(Signed)

(Seal.)

(C) 18.

Warrant of Deportation.

(General Heading, in cases where deportation is ordered on conviction.)

To *X. Y.*, and other officers of the Court.

A. B., of , having been on ordered by this Court to be deported from to .

You are therefore hereby commanded, with proper assistance, to remove the said *A. B.*, and to convey him to , and there to discharge him from your custody.

(Seal.)

(C) 19.

Warrant of Imprisonment.

(General Heading.)

To *X. Y.*, officer of this Court, and to the keeper of the prison at .

The above-named *A. B.* is sentenced by this Court to be imprisoned [and to be kept to hard labour] for from this day.

Therefore you are hereby commanded, you, *X. Y.*, to convey the said *A. B.* to the above-mentioned prison, and there deliver him to the keeper thereof, with this warrant.

And you, the keeper of that prison, to receive the said *A. B.* into your custody, there and then to imprison him [and keep him to hard labour] for the time aforesaid.

Dated this

(Seal.)

(C) 20.

Warrant of Imprisonment, where Order for Payment not satisfied by Seizure and Sale.

(General Heading.)

To *X. Y.*, officer of this Court, and to the keeper of the prison at .

At the hearing of the above-mentioned charge the above-named *A. B.* [or *C. D.*, the prosecutor] was ordered by the Court to pay the sum of £ ,

of which sum £ [or the whole of which sum] after execution remains unpaid.

You are therefore hereby commanded, you, *X. Y.*, to convey the within-named *A. B.* [or *C. D.*] to the prison at , and there deliver him to the keeper thereof, with this warrant.

And you, the keeper of that prison, to receive the said *A. B.* [or *C. D.*] into your custody there, and there to imprison him without hard labour for [forty days] from the date of this warrant, unless the said sum of £ , with the further sum of £ , as and for the expenses of the intended execution of the said warrant and of his commitment, and of the conveying of him to prison, is sooner paid.

Dated this day of , 18 .

(C) 21.

Warrant for Sale of Goods forfeited.

(General Heading.)

To *X. Y.*, officer of the Court.

The Court having, in pursuance of "The Pacific Order in Council, 189 ,," on the conviction of the above-named *A. B.* on the above-mentioned charge, declared forfeited to Her Majesty Queen Victoria the following goods:—

[Set out list of goods.]

You are hereby commanded to forthwith seize the said goods and to sell the same at a convenient time and place by public auction, and forthwith, after execution of this warrant, you are to return the same to the Court, with the place, time, and mode of execution indorsed thereon, and with the proceeds of such sale.

Dated this

(Seal.)

(C) 22.

Information to ground Search Warrant.

(General Heading.)

Criminal Jurisdiction.

C. D., of , on his oath [or having made the declaration allowed by of the General Rules of Procedure] complains that on the following goods of the value of , viz.:

[Describe goods.]

were unlawfully carried away from to by some person or persons unknown, and that he has reasonable cause to suspect, and does suspect, that those goods, or some of them, are concealed in the premises [describe them] occupied by *A. B.*, of ; for he, the said *C. D.*, says that [state grounds for suspicion that goods are there].

(C) 23.

Search Warrant.

(Heading as in (C) 22.)

To *X. Y.*, an officer of this Court.

C. D., of _____, has this day made information on oath before this Court that [*copy from information (Form (C) 22) down to for he*].

And it appears to this Court that [according to reasonable suspicion] the said goods, or some of them, are concealed as aforesaid.

You are therefore hereby authorized and commanded, with proper assistance, by day or night [*or in case of reasonable suspicion only, in the daytime*], to enter the said [*dwelling-house*] of the said *A. B.*, and there to diligently search for the said goods, and if the same, or any thereof, are found on search to bring the goods so found [and also the said *A. B.*] before this Court, to be dealt with according to law.

(Seal.)

SCALE OF FEES.

To be taken in Her Britannic Majesty's High Commissioner's Court for the Western Pacific under "The Pacific Order in Council, 1893."

	£	s.	d.
Writ of summons.. .. .	0	4	0
Renewal of writ of summons	0	2	6
Order of dismissal for failure to proceed	0	2	6
Further particulars of claim	0	2	6
Written statement of claim or defence specially ordered	0	5	0
Commission to examine witnesses exclusive of seal	0	5	0
Affixing the seal of the Court to any commission or document not specially provided for	0	5	0
General appointment as Commissioner of Court to take affidavits including seal	1	1	0
Every oath to the truth of an affidavit or deposition administered by any member of the Court, or by the Registrar, or by a Commissioner appointed to take affidavits	0	2	0
Every oath administered after office hours	0	5	0
Marking every exhibit attached to any affidavit	0	1	0
Examination of witnesses by Registrar or Commissioner of the Court, first hour	0	10	0
For each subsequent hour or fraction of an hour	0	5	0
Subpœna for witness	0	2	0
Every name beyond the first	0	0	6
Entering judgment by default	0	2	6
Entering judgment in other cases	0	5	0
Order or judgment of the Court formally drawn up, passed, and certified by the seal of the Court	0	10	0
On payment of money into Court	2	per cent.	
Order of injunction before service of a writ of summons	0	5	0
Order to sequester money or goods before service of writ	0	5	0
Order to stop clearance of vessel before or after service of writ	0	5	0
Order to hold to bail before service of writ	0	5	0
Order to attach property before service of writ	0	5	0

	£	s.	d.
Justify each bail	0	2	6
Recognizance by person arrested, with or without sureties	0	2	6
Bail by absconding defendant	0	2	6
Exemplification of will (including seal), not exceeding five folios ..	1	0	0
For each additional folio.. .. .	0	1	0
Entering counter-claim by defendant	0	5	0
Entering by plaintiff notice of discontinuance of action	0	2	6
Issues settled by the parties or the Court	0	5	0
Entering cause for trial	0	2	6
Every exhibit used on trial	0	1	0
Order of execution by seizure and sale of goods	0	5	0
Order of sequestration against the property of judgment debtor ..	0	5	0
Order of imprisonment of judgment debtor	0	5	0
Every recognizance or bond taken not already provided for	0	5	0
Filing bill of costs for taxation	0	5	0
Taxing costs per hour	0	5	0
Rule of Court nisi or otherwise	0	5	0
Every application made in chambers, whether granted or refused, or whether any order is made or not	0	2	6
Attendance before Registrar or Commissioner specially appointed by the Court on inquiry or account under order or rule, each party, first hour or fraction	0	5	0
For each subsequent hour or fraction	0	1	0
Every certificate under the hand of a member of the Court.. ..	0	5	0
Every certificate under the hand of the Registrar	0	2	6
Order for re-hearing	0	5	0
Bond for prosecution of appeal	0	10	0
Sum to be paid for expense of transmission of record (to be esti- mated by Registrar in each case).			
Appeal motion paper with or without argument	0	5	0
Respondent's argument	0	5	0
Reference to arbitration	0	5	0
Award under such reference	0	5	0
Decree of the Court in conformity with award	0	5	0
For search in books of Registrar	0	2	6
For search among papers in causes not current	0	5	0
Filing any paper other than those provided for	0	1	0

Fees payable to the Officer of the Court.

For service of writ of summons or subpoena on each defendant or witness, not exceeding 1 mile from Court-house	0	2	6
In addition to above there shall be mileage* on executing every pro- cess where the distance exceeds 1 mile from Court-house	0	2	0

* The officer of the Court may only charge on mileage actually and neces-
sarily travelled in the execution of his duty. Mileage is not calculated on the
return journey. When an officer is engaged on more than one service the
mileage is to be apportioned between them. If by reason of difficulty of com-
munication the remuneration provided for in this scale is, in the opinion of the

	£	s.	d.
Service of every injunction or order for sequestration of money or goods before service of writ	0	2	6
Mileage,* where distance exceeds 1 mile from Court-house, in addition to above	0	2	0
Service of order to stop clearance of vessel before or after writ ..	0	5	0
Arrest of vessel	0	10	0

And necessary expenses for both of the above items.

Service of order to hold to bail or attach property before service of writ	0	2	6
And mileage* as before	0	2	0
Arrest of absconding debtor, not exceeding 2 miles	0	10	0
If beyond 2 miles, for the first day	1	10	0
For every day occupied beyond the first	0	12	0

And travelling expenses reasonably and actually incurred.

Seizure of property about to be removed	1	0	0
Executing every writ of seizure and sale on judgment—			
On first 100 <i>l.</i>	2	10	0
For all above	1½	per cent.	
Precept to bailiff	0	2	6
To each man left in possession, per diem	0	8	0

Reasonable travelling expenses.

Arrest of debtor on judgment same as arrest of absconding debtor.			
For executing every writ other than those provided for	0	5	0
And mileage* as before.			

Every assessor in a civil case shall receive for attendance, for each day or part of a day, 1*l.* 1*s.*

Fees to be taken in Criminal Cases.

	£	s.	d.
Summons, copy and service within two miles	0	2	6
Subpoena not including more than four names.. .. .	0	1	6
Copies, each	0	1	0
Swearing or taking any information or affidavit or taking any declaration	0	1	0
Marking exhibit to information, affidavit, or declaration	0	0	6
Warrant to apprehend	0	2	6
Search warrant	0	5	0
Recognizance and notice of nature thereof	0	5	0
Extension of same	0	2	6
Serving any document over 2 miles and not exceeding 10 miles, per mile	0	1	0
Exceeding 10 miles, for each day occupied by officer of Court ..	0	12	0

And travelling expenses reasonably incurred.

Court, inadequate, the officer of the Court may elect to receive in lieu of fees and mileage his travelling expenses reasonably incurred, and an allowance for loss of time not exceeding 12*s.* a-day.

* See Note on previous page.

£ s. d.

Cost and charges of distress, or of taking and keeping a distress—

Warrant of distress including execution thereof, but not including costs of removal, possession, or sale	1	0	0
Expenses of possession, not exceeding per diem	0	5	0
Actual expenses incurred in removing and storing goods.			
Expenses of sale, for every 20s. or fraction of 20s. of the price realized	0	1	6

Fees will not be taken on any information or other proceeding by any officer of police, or other public officer in the discharge of his duty, whether in the service of Her Britannic Majesty or of any Government recognized by Her Majesty as exercising jurisdiction in the place where the information is laid.

Fees will be remitted in all cases in which the accused is committed for trial before the Court with assessors, or out of the Western Pacific.

*PROVISIONAL AGREEMENT between Great Britain and
Serbia respecting Commercial Relations.—Signed at Belgrade,
June 22
July 4, 1893.*

THE Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, and the Government of His Majesty the King of Servia, desiring to regulate provisionally, during the time necessary for the conclusion and the ratifications of a Treaty of Commerce, the commercial relations between the two States, have agreed upon the following provisions:—

ART. I. The subjects, ships, and goods, produce, or manufacture of the two countries shall respectively enjoy, in all respects, the treatment of the most favoured nation.

II. This Agreement shall come into force the day after that on which it shall have received the approval of the Servian National Assembly. It shall remain in

LE Gouvernement de Sa Majesté la Reine du Royaume-Uni de la Grande-Bretagne et d'Irlande, Impératrice des Indes, et le Gouvernement de Sa Majesté le Roi de Serbie, désirant régler provisoirement, pendant le temps nécessaire pour la conclusion et les ratifications d'un Traité de Commerce, les rapports commerciaux entre les deux États, sont convenus des dispositions suivantes:—

ART. I. Les sujets, les navires, et les produits de toute nature originaires des deux pays jouiront respectivement et sous tous les rapports du traitement de la nation la plus favorisée.

II. Cette entente sera exécutoire le lendemain du jour où elle aura reçu l'approbation de la Skoupchtina Nationale de Serbie. Elle restera en vigueur

force until the ratifications of the Definitive Treaty of Commerce shall have been exchanged, but in any case its effect shall cease on the $\frac{1st}{13th}$ January, 1894.

In witness whereof the Undersigned have drawn up the present Agreement, and have thereto affixed their seals.

Done at Belgrade, the $\frac{22nd\ June}{4th\ July}$, 1893.

(L.S.)

EDMUND D. V. FANE,
*Her Britannic Majesty's
Envoy Extraordinary and
Minister Plenipotentiary.*

(L.S.)

AND. NIKOLITCH,
*Minister for Foreign
Affairs of His Majesty
the King of Servia.*

jusqu'à ce que les ratifications du Traité de Commerce Définitif aient été échangées, mais en tous les cas elle cessera ses effets le $\frac{1}{13}$ Janvier, 1894.

En foi de quoi les Soussignés ont dressé la présente entente et y ont apposé leurs cachets.

Fait à Belgrade, le $\frac{22\ Juin}{4\ Juillet}$, 1893.

(L.S.)

EDMUND D. V. FANE,
*Envoyé Extraordinaire et
Ministre Plénipotentiaire
de Sa Majesté Britan-
nique.*

(L.S.)

AND. NIKOLITCH,
*Ministre des Affaires
Étrangères de Sa Majesté
le Roi de Serbie.*

EXCHANGE of Notes between Great Britain and Servia, prolonging to July 1, 1893, the Provisional Commercial Agreement of February 14, 1890. — Belgrade, January 1893.*

No. 1.—Her Majesty's Chargé d'Affaires at Belgrade to the Servian Minister for Foreign Affairs.

M. LE MINISTRE,

Belgrade, January 4, 1893.

I HAVE the honour to acknowledge the receipt of your Excellency's note of this date, in which you inform me that the Servian Government adhere to their desire to prolong the Provisional Commercial Agreement of the 14th February, 1890, for six months only from the $\frac{1st}{13th}$ January, 1893.

I regret that your Excellency has found it impossible to accede to the wish of Her Majesty's Government that the prolongation should be for a year, but under the circumstances I am authorized by the Earl of Rosebery, Her Majesty's Principal Secretary of

State for Foreign Affairs, to accept on behalf of Her Majesty's Government the prolongation of the Provisional Commercial Agreement between England and Servia for six months, that is to say, till the ^{1st}/_{13th} July, 1893.

I have also the honour to repeat to your Excellency that when the Servian Government make known their wishes with respect to a new Commercial Treaty, their communication will receive the early attention of Her Majesty's Government, who are prepared at once to commence negotiations.

I trust your Excellency will do me the honour to send an early reply on behalf of the Servian Government, and avail myself, &c.,

M. Avacoumovitch.

VAUX OF HARROWDEN.

No. 2.—The Servian Minister for Foreign Affairs to Her Majesty's Chargé d'Affaires at Belgrade.

MILORD,

Belgrade, le ^{29 Décembre, 1892}/_{10 Janvier, 1893}.

J'AI l'honneur de vous accuser réception de la note par laquelle vous avez pris la peine de m'informer que son Excellence Lord Rosebery, Secrétaire d'État pour les Affaires Étrangères, vous a autorisé à accepter, au nom du Gouvernement de Sa Majesté Britannique, la prolongation jusqu'au ¹/₁₃ Juillet, 1893, de l'Arrangement Commercial Provisoire conclu entre l'Angleterre et la Serbie le 14 Février, 1890.

Le présent échange de notes devant fixer l'accord intervenu entre nos deux Gouvernements, les instructions nécessaires vont être données aux autorités douanières de Serbie en vue de la mise en application de l'accord en cause.

En conséquence, j'ai l'honneur de recourir à vos bons offices, Milord, en vous priant de vouloir bien intervenir auprès de votre Haut Gouvernement pour que des instructions analogues soient données aux Douanes du Royaume-Uni.

Déférant au désir que vous m'avez exprimé au nom de votre Gouvernement, je ne manquerai pas de faire le nécessaire pour que prochainement, après avoir pris l'avis de mon collègue M. le Ministre de l'Agriculture et du Commerce, des négociations soient engagées entre nos deux Gouvernements, en vue de la conclusion d'un Traité de Commerce définitif.

En vous communiquant ce qui précède, j'ai, &c.,

Lord Vaux of Harrowden.

J. AVACOUMOVITCH.

AWARD of the Tribunal of Arbitration, constituted under Article I of the Treaty concluded at Washington on the 29th February, 1892, between Great Britain and the United States (Seal Fishery in Behring Sea).—Paris, August 15, 1893.*

[English Version.]

WHEREAS by a Treaty between the United States of America and Great Britain, signed at Washington the 29th February, 1892, the ratifications of which by the Governments of the two countries were exchanged at London on the 7th May, 1892, it was, amongst other things, agreed and concluded that the questions which had arisen between the Government of the United States of America and the Government of Her Britannic Majesty, concerning the jurisdictional rights of the United States in the waters of Behring Sea, and concerning also the preservation of the fur-seal in or habitually resorting to the said sea, and the rights of the citizens and subjects of either country as regards the taking of fur-seals in or habitually resorting to the said waters, should be submitted to a Tribunal of Arbitration to be composed of seven Arbitrators, who should be appointed in the following manner, that is to say: two should be named by the President of the United States; two should be named by Her Britannic Majesty; his Excellency the President of the French Republic should be jointly requested by the High Contracting Parties to name one; His Majesty the King of Italy should be so requested to name one; His Majesty the King of Sweden and Norway should be so requested to name one; the seven Arbitrators to be so named should be jurists of distinguished reputation in their respective countries, and the selecting Powers should be requested to choose, if possible, jurists who are acquainted with the English language;

And whereas it was further agreed by Article II of the said Treaty that the Arbitrators should meet at Paris within twenty days after the delivery of the Counter-Cases mentioned in Article IV, and should proceed impartially and carefully to examine and decide the questions which had been or should be laid before them as in the said Treaty provided on the part of the Governments of the United States and of Her Britannic Majesty respectively, and that all questions considered by the Tribunal, including the final decision, should be determined by a majority of all the Arbitrators;

And whereas by Article VI of the said Treaty it was further provided as follows:—

"In deciding the matters submitted to the said Arbitrators, it is agreed that the following five points shall be submitted to them in order that their Award shall embrace a distinct decision upon each of said five points, to wit:

"1. What exclusive jurisdiction in the sea now known as the Behring Sea, and what exclusive rights in the seal fisheries therein, did Russia assert and exercise prior and up to the time of the cession of Alaska to the United States?

"2. How far were these claims of jurisdiction as to the seal fisheries recognized and conceded by Great Britain?

"3. Was the body of water now known as the Behring Sea included in the phrase 'Pacific Ocean,' as used in the Treaty of 1825 between Great Britain and Russia; and what rights, if any, in the Behring Sea were held and exclusively exercised by Russia after said Treaty?

"4. Did not all the rights of Russia as to jurisdiction and as to the seal fisheries in Behring Sea east of the water boundary, in the Treaty between the United States and Russia of the 30th March, 1867, pass unimpaired to the United States under that Treaty?

"5. Has the United States any right, and if so what right, of protection or property in the fur-seals frequenting the islands of the United States in Behring Sea when such seals are found outside the ordinary 3-mile limit?"

And whereas by Article VII of the said Treaty it was further agreed as follows:—

"If the determination of the foregoing questions as to the exclusive jurisdiction of the United States shall leave the subject in such position that the concurrence of Great Britain is necessary to the establishment of Regulations for the proper protection and preservation of the fur-seal in, or habitually resorting to, the Behring Sea, the Arbitrators shall then determine what concurrent Regulations, outside the jurisdictional limits of the respective Governments, are necessary, and over what waters such Regulations should extend;

"The High Contracting Parties furthermore agree to co-operate in securing the adhesion of other Powers to such Regulations;"

And whereas by Article VIII of the said Treaty, after reciting that the High Contracting Parties had found themselves unable to agree upon a reference which should include the question of the liability of each for the injuries alleged to have been sustained by the other, or by its citizens, in connection with the claims presented and urged by it, and that "they were solicitous that this subordinate question should not interrupt or longer delay the submission and determination of the main questions," the High Contracting Parties agreed that "either of them might submit to the Arbitrators any

question of fact involved in said claims and ask for a finding thereon, the question of the liability of either Government upon the facts found to be the subject of further negotiation ;”

And whereas the President of the United States of America named the Honourable John M. Harlan, Justice of the Supreme Court of the United States, and the Honourable John T. Morgan, Senator of the United States, to be two of the said Arbitrators ; and Her Britannic Majesty named the Right Honourable Lord Hannen and the Honourable Sir John Thompson, Minister of Justice and Attorney-General for Canada, to be two of the said Arbitrators ; and his Excellency the President of the French Republic named the Baron de Courcel, Senator, Ambassador of France, to be one of the said Arbitrators ; and His Majesty the King of Italy named the Marquis Emilio Visconti Venosta, former Minister of Foreign Affairs and Senator of the Kingdom of Italy, to be one of the said Arbitrators ; and His Majesty the King of Sweden and Norway named M. Gregers Gram, Minister of State, to be one of the said Arbitrators ;

And whereas we, the said Arbitrators so named and appointed, having taken upon ourselves the burden of the said Arbitration, and having duly met at Paris, proceeded impartially and carefully to examine and decide all the questions submitted to us, the said Arbitrators, under the said Treaty, or laid before us as provided in the said Treaty on the part of the Governments of Her Britannic Majesty and the United States respectively :

Now we, the said Arbitrators, having impartially and carefully examined the said questions, do in like manner by this our Award decide and determine the said questions in manner following, that is to say, we decide and determine as to the five points mentioned in Article VI, as to which our Award is to embrace a distinct decision upon each of them :

As to the first of the said five points, we, the said Baron de Courcel, Mr. Justice Harlan, Lord Hannen, Sir John Thompson, Marquis Visconti Venosta, and M. Gregers Gram, being a majority of the said Arbitrators, do decide and determine as follows :—

By the Ukase of 1821 Russia claimed jurisdiction in the sea now known as the Behring Sea to the extent of 100 Italian miles from the coasts and islands belonging to her ; but in the course of the negotiations which led to the conclusion of the Treaties of 1824* with the United States and of 1825† with Great Britain, Russia admitted that her jurisdiction in the said sea should be restricted to the reach of cannon-shot from shore, and it appears that, from that time up to the time of the cession of Alaska to the

* Vol. XII, page 595.

† Vol. XII, page 38.

United States, Russia never asserted in fact or exercised any exclusive jurisdiction in Behring Sea, or any exclusive rights in the seal fisheries therein beyond the ordinary limit of territorial waters.

As to the second of the said five points, we, the said Baron de Courcel, Mr. Justice Harlan, Lord Hannen, Sir John Thompson, Marquis Visconti Venosta, and M. Gregers Gram, being a majority of the said Arbitrators, do decide and determine that Great Britain did not recognize or concede any claim upon the part of Russia to exclusive jurisdiction as to the seal-fisheries in Behring Sea outside of ordinary territorial waters.

As to the third of the said five points, as to so much thereof as requires us to decide whether the body of water now known as the Behring Sea was included in the phrase "Pacific Ocean," as used in the Treaty of 1825 between Great Britain and Russia, we, the said Arbitrators, do unanimously decide and determine that the body of water now known as the Behring Sea was included in the phrase "Pacific Ocean," as used in the said Treaty.

And as to so much of the said third point as requires us to decide what rights, if any, in the Behring Sea were held and exclusively exercised by Russia after the said Treaty of 1825, we, the said Baron de Courcel, Mr. Justice Harlan, Lord Hannen, Sir John Thompson, Marquis Visconti Venosta, and M. Gregers Gram, being a majority of the said Arbitrators, do decide and determine that no exclusive rights of jurisdiction in Behring Sea and no exclusive rights as to the seal fisheries therein were held or exercised by Russia outside of ordinary territorial waters after the Treaty of 1825.

As to the fourth of the said five points, we, the said Arbitrators, do unanimously decide and determine that all the rights of Russia as to jurisdiction and as to the seal fisheries in Behring Sea, east of the water boundary, in the Treaty between the United States and Russia of the 30th March, 1867,* did pass unimpaired to the United States under the said Treaty.

As to the fifth of the said five points, we, the said Baron de Courcel, Lord Hannen, Sir John Thompson, Marquis Visconti Venosta, and M. Gregers Gram, being a majority of the said Arbitrators, do decide and determine that the United States has not any right of protection or property in the fur-seals frequenting the islands of the United States in Behring Sea, when such seals are found outside the ordinary 3-mile limit.

And whereas the aforesaid determination of the foregoing questions as to the exclusive jurisdiction of the United States mentioned in Article VI leaves the subject in such a position that

* Vol. LVII, page 452.

the concurrence of Great Britain is necessary to the establishment of Regulations for the proper protection and preservation of the fur-seal in or habitually resorting to the Behring Sea, the Tribunal having decided by a majority as to each Article of the following Regulations, we, the said Baron de Courcel, Lord Hannen, Marquis Visconti Venosta, and M. Gregers Gram, assenting to the whole of the nine Articles of the following Regulations, and being a majority of the said Arbitrators, do decide and determine in the mode provided by the Treaty that the following concurrent Regulations outside the jurisdictional limits of the respective Governments are necessary, and that they should extend over the waters hereinafter mentioned, that is to say :—

ART. 1. The Governments of the United States and of Great Britain shall forbid their citizens and subjects respectively to kill, capture, or pursue at any time and in any manner whatever, the animals commonly called fur-seals, within a zone of 60 miles around the Pribyloff Islands, inclusive of the territorial waters.

The miles mentioned in the preceding paragraph are geographical miles, of 60 to a degree of latitude.

2. The two Governments shall forbid their citizens and subjects respectively to kill, capture, or pursue in any manner whatever, during the season extending each year from the 1st May to the 31st July, both inclusive, the fur-seals on the high sea, in the part of the Pacific Ocean, inclusive of the Behring Sea, which is situated to the north of the 35th degree of north latitude, and eastward of the 180th degree of longitude from Greenwich, till it strikes the water boundary described in Article I of the Treaty of 1867 between the United States and Russia, and following that line up to Behring Straits.

3. During the period of time and in the waters in which the fur-seal fishing is allowed, only sailing-vessels shall be permitted to carry on or take part in fur-seal fishing operations. They will, however, be at liberty to avail themselves of the use of such canoes or undecked boats, propelled by paddles, oars, or sails, as are in common use as fishing-boats.

4. Each sailing-vessel authorized to fish for fur-seals must be provided with a special licence issued for that purpose by its Government, and shall be required to carry a distinguishing flag to be prescribed by its Government.

5. The masters of the vessels engaged in fur-seal fishing shall enter accurately in their official log-book the date and place of each fur-seal fishing operation, and also the number and sex of the seals captured upon each day. These entries shall be communicated by each of the two Governments to the other at the end of each fishing season.

6. The use of nets, fire-arms, and explosives shall be forbidden in the fur-seal fishing. This restriction shall not apply to shot-guns when such fishing takes place outside of Behring Sea during the season when it may be lawfully carried on.

7. The two Governments shall take measures to control the fitness of the men authorized to engage in fur-seal fishing. These men shall have been proved fit to handle with sufficient skill the weapons by means of which this fishing may be carried on.

8. The Regulations contained in the preceding Articles shall not apply to Indians dwelling on the coasts of the territory of the United States or of Great Britain, and carrying on fur-seal fishing in canoes or undecked boats not transported by or used in connection with other vessels, and propelled wholly by paddles, oars, or sails, and manned by not more than five persons each in the way hitherto practised by the Indians, provided such Indians are not in the employment of other persons, and provided that, when so hunting in canoes or undecked boats, they shall not hunt fur-seals outside of territorial waters under contract for the delivery of the skins to any person.

This exemption shall not be construed to affect the municipal law of either country, nor shall it extend to the waters of Behring Sea or the waters of the Aleutian Passes.

Nothing herein contained is intended to interfere with the employment of Indians as hunters or otherwise in connection with fur-sealing vessels as heretofore.

9. The concurrent Regulations hereby determined with a view to the protection and preservation of the fur-seals shall remain in force until they have been, in whole or in part, abolished or modified by common agreement between the Governments of the United States and of Great Britain.

The said concurrent Regulations shall be submitted every five years to a new examination, so as to enable both interested Governments to consider whether, in the light of past experience, there is occasion for any modification thereof.

And whereas the Government of Her Britannic Majesty did submit to the Tribunal of Arbitration by Article VIII of the said Treaty certain questions of fact involved in the claims referred to in the said Article VIII, and did also submit to us, the said Tribunal, a statement of the said facts, as follows, that is to say:—

“Findings of fact proposed by the Agent of Great Britain and agreed to as proved by the Agent for the United States, and submitted to the Tribunal of Arbitration for its consideration.

“1. That the several searches and seizures, whether of ships or goods, and the several arrests of masters and crews, respectively mentioned in the Schedule

to the British Case, pages 1 to 60 inclusive, were made by the authority of the United States' Government. The questions as to the value of the said vessels or their contents, or either of them, and the question as to whether the vessels mentioned in the Schedule to the British Case, or any of them, were wholly or in part the actual property of citizens of the United States, have been withdrawn from, and have not been considered by, the Tribunal, it being understood that it is open to the United States to raise these questions, or any of them, if they think fit, in any future negotiations as to the liability of the United States' Government to pay the amounts mentioned in the Schedule to the British Case.

"2. That the seizures aforesaid, with the exception of the *Pathfinder*, seized at Neah Bay, were made in Behring Sea at the distances from shore mentioned in the Schedule annexed hereto, marked (C).

"3. That the said several searches and seizures of vessels were made by public armed vessels of the United States, the Commanders of which had, at the several times when they were made, from the Executive Department of the Government of the United States, instructions, a copy of one of which is annexed hereto, marked (A), and that the others were, in all substantial respects, the same. That in all the instances in which proceedings were had in the District Courts of the United States resulting in condemnation, such proceedings were begun by the filing of libels, a copy of one of which is annexed hereto, marked (B), and that the libels in the other proceedings were, in all substantial respects, the same; that the alleged acts or offences for which said several searches and seizures were made were in each case done or committed in Behring Sea at the distances from shore aforesaid; and that in each case in which sentence of condemnation was passed, except in those cases when the vessels were released after condemnation, the seizure was adopted by the Government of the United States; and in those cases in which the vessels were released the seizure was made by the authority of the United States; that the said fines and imprisonments were for alleged breaches of the municipal laws of the United States, which alleged breaches were wholly committed in Behring Sea at the distances from the shore aforesaid.

"4. That the several orders mentioned in the Schedule annexed hereto, and marked (C), warning vessels to leave or not to enter Behring Sea were made by public armed vessels of the United States, the Commanders of which had, at the several times when they were given, like instructions as mentioned in finding 3, and that the vessels so warned were engaged in sealing or prosecuting voyages for that purpose, and that such action was adopted by the Government of the United States.

"5. That the District Courts of the United States in which any proceedings were had or taken for the purpose of condemning any vessel seized as mentioned in the Schedule to the Case of Great Britain, pages 1 to 60 inclusive, had all the jurisdiction and powers of Courts of Admiralty, including the prize jurisdiction, but that in each case the sentence pronounced by the Court was based upon the grounds set forth in the libel.

Annex (A).

"Treasury Department, Office of the Secretary,
"Washington, April 21, 1886.

"Sir,

"Referring to Department letter of this date, directing you to proceed with the revenue-steamer *Bear*, under your command, to the Seal Islands, &c., you

are hereby clothed with full power to enforce the Law contained in the provisions of Section 1956 of the United States' Revised Statutes, and directed to seize all vessels and arrest and deliver to the proper authorities any or all persons whom you may detect violating the Law referred to, after due notice shall have been given.

"You will also seize any liquors or fire-arms attempted to be introduced into the country without proper permit, under the provisions of Section 1955 of the Revised Statutes, and the Proclamation of the President dated the 4th February, 1870.

"Respectfully yours,

"Captain M. A. Healy,

"C. S. FAIRCHILD, *Acting Secretary.*

"Commanding revenue-steamer Bear,

"San Francisco, California."

"Annex (B).

"In the District Court of the United States for the District of Alaska.

"August Special Term, 1886.

"To the Honourable Lafayette Dawson, Judge of said District Court.

"The libel of information of M. D. Ball, Attorney for the United States for the District of Alaska, who prosecutes on behalf of said United States, and being present here in Court in his proper person, in the name and on behalf of the said United States, against the schooner *Thornton*, her tackle, apparel, boats, cargo, and furniture, and against all persons intervening for their interest therein, in a cause of forfeiture, alleges and informs as follows:—

"That Charles A. Abbey, an officer in the Revenue Marine Service of the United States, and on special duty in the waters of the district of Alaska, heretofore, to wit, on the 1st day of August, 1886, within the limits of Alaska territory, and in the waters thereof, and within the civil and judicial district of Alaska, to wit, within the waters of that portion of Behring Sea belonging to the said district, on waters navigable from the sea by vessels of 10 or more tons burden, seized the ship or vessel commonly called a schooner, the *Thornton*, her tackle, apparel, boats, cargo, and furniture, being the property of some person or persons to the said Attorney unknown, as forfeited to the United States, for the following causes:

"That the said vessel or schooner was found engaged in killing fur-seal within the limits of Alaska territory, and in the waters thereof, in violation of Section 1956 of the Revised Statutes of the United States.

"And the said Attorney saith that all and singular the premises are and were true, and within the Admiralty and maritime jurisdiction of this Court, and that by reason thereof, and by force of the Statutes of the United States in such cases made and provided, the afore-mentioned and described schooner or vessel, being a vessel of over 20 tons burden, her tackle, apparel, boats, cargo, and furniture, became and are forfeited to the use of the said United States, and that said schooner is now within the district aforesaid.

"Wherefore the said Attorney prays the usual process and monition of this honourable Court issue in this behalf, and that all persons interested in the before-mentioned and described schooner or vessel may be cited in general and special to answer the premises, and all due proceedings being had, that the said schooner or vessel, her tackle, apparel, boats, cargo, and furniture, may, for the cause aforesaid, and others appearing, to be condemned by the definite sentence

and decree of this honourable Court, as forfeited to the use of the said United States, according to the form of the Statute of the said United States in such cases made and provided.

"M. D. BALL, *United States' District Attorney*
for the District of Alaska."

"Annex (C).

"The following Table shows the names of the British sealing-vessels seized or warned by United States' revenue-cruisers, 1886-1890, and the approximate distance from land when seized. The distances assigned in the cases of the *Carolena*, *Thornton*, and *Onward*, are on the authority of United States' Naval Commander Abbey (see 50th Congress, 2nd Session, Senate Executive Documents No. 106, pages 20, 30, 40). The distances assigned in the cases of the *Anna Beck*, *W. P. Sayward*, *Dolphin*, and *Grace*, are on the authority of Captain Shepard, United States' Royal Marine (Blue Book, United States, No. 2, 1890, pages 80-82. See Appendix, vol. iii).

Name of Vessel.	Date of Seizure.	Approximate Distance from Land when Seized.	United States' Vessel making Seizures.
Carolena	August 1, 1886	75 miles	Corwin.
Thornton	" 1, 1886	70 miles	Ditto.
Onward	" 2, 1886	115 miles	Ditto.
Favourite	" 2, 1886	Warned by <i>Corwin</i> in about same position as <i>Onward</i> .	
Anna Beck	July 2, 1887	66 miles	Rush.
W. P. Sayward ..	" 9, 1887	59 miles	Ditto.
Dolphin	" 12, 1887	40 miles	Ditto.
Grace	" 17, 1887	96 miles	Ditto.
Alfred Adams ..	August 10, 1887	62 miles	Ditto.
Ada	" 25, 1887	15 miles	Bear.
Triumph	" 4, 1887	Warned by <i>Rush</i> not to enter Behring Sea.	
Juanita	July 31, 1889	66 miles	Rush.
Pathfinder	" 29, 1889	50 miles	Ditto.
Triumph	" 11, 1889	Ordered out of Behring Sea by <i>Rush</i> (? as to position when warned).	
Black Diamond ..	" 11, 1889	35 miles	Ditto.
Lily	August 6, 1889	66 miles	Ditto.
Ariel	July 30, 1889	Ordered out of Behring Sea by <i>Rush</i> .	
Kate	August 13, 1889	Ditto.	
Minnie	July 15, 1889	65 miles	Ditto.
Pathfinder	March 27, 1890	Seized in Neah Bay*.	Corwin.

* Neah Bay is in the State of Washington, and the *Pathfinder* was seized there on charges made against her in Behring Sea in the previous year. She was released two days later.

And whereas the Government of Her Britannic Majesty did ask the said Arbitrators to find the said facts as set forth in the said statement, and whereas the Agent and Counsel for the United States' Government thereupon in our presence informed us that the said statement of facts was sustained by the evidence, and that they had agreed with the Agent and Counsel for Her Britannic Majesty that we, the Arbitrators, if we should think fit so to do, might find the said statement of facts to be true ;

Now we, the said Arbitrators, do unanimously find the facts as set forth in the said statement to be true.

And whereas each and every question which has been considered by the Tribunal has been determined by a majority of all the Arbitrators ;

Now we, Baron de Courcel, Lord Hannen, Mr. Justice Harlan, Sir John Thompson, Senator Morgan, the Marquis Visconti Venosta, and M. Gregers Gram, the respective minorities not withdrawing their votes, do declare this to be the final decision and award in writing of this Tribunal in accordance with the Treaty.

Made in duplicate at Paris, and signed by us the 15th day of August, in the year 1893.

And we do certify this English version thereof to be true and accurate.

ALPH. DE COURCEL.
JOHN M. HARLAN.
JOHN T. MORGAN.
HANNEN.
JNO. S. D. THOMPSON.
VISCONTI VENOSTA.
G. GRAM.

Declarations made by the Tribunal of Arbitration and referred to the Governments of the United States and Great Britain for their consideration.

[English version.]

1. The Arbitrators declare that the concurrent Regulations, as determined upon by the Tribunal of Arbitration, by virtue of Article VII of the Treaty of the 29th February, 1892, being applicable to the high sea only, should, in their opinion, be supplemented by other Regulations applicable within the limits of the sovereignty of each of the two Powers interested and to be settled by their common agreement.

2. In view of the critical condition to which it appears certain that the race of fur-seals is now reduced in consequence of circumstances not fully known, the Arbitrators think fit to recommend

both Governments to come to an understanding in order to prohibit any killing of fur-seals, either on land or at sea, for a period of two or three years, or at least one year, subject to such exceptions as the two Governments might think proper to admit of.

Such a measure might be resorted to at occasional intervals if found beneficial.

3. The Arbitrators declare moreover that, in their opinion, the carrying out of the Regulations determined upon by the Tribunal of Arbitration should be assured by a system of stipulations and measures to be enacted by the two Powers; and that the Tribunal must, in consequence, leave it to the two Powers to decide upon the means for giving effect to the Regulations determined upon by it.

We do certify this English version to be true and accurate, and have signed the same at Paris, this 15th day of August, 1893.

ALPH. DE COURCEL.

JOHN M. HARLAN.

JOHN T. MORGAN.

I approve Declarations 1 and 3.

HANNEN.

I approve Declarations 1 and 3.

JNO. S. D. THOMPSON.

VISCONTI VENOSTA.

G. GRAM.

RULES OF COURT made by the Lord Chancellor and the Judges of the Supreme Court pursuant to "The Mail-ships Act, 1891," together with the Scale of Fees fixed with the concurrence of the Commissioners of Her Majesty's Treasury. —February 27, 1892.*

THE following Rules under "The Mail-ships Act, 1891" (in these Rules referred to as the Act), may be cited as "The Mail-ships Rules, 1892":—

General.

1. All matters within the jurisdiction of the High Court under the provisions of the Act shall be assigned to the Probate, Divorce, and Admiralty Division, and all jurisdiction in relation thereto may be exercised by a Judge at chambers.

2. Every application to the Court under the Act shall be

* Vol. LXXXIII, page 125.

intituled in the matter of the Act, and of the Order in Council applying the Act as regards the postal service in respect of which the application is made, and shall be signed by or on behalf of the owner of the ships or ship in respect of which the application is made (in these Rules referred to as the owner), or by a Secretary or Assistant Secretary of the Board of Trade, as the case may be, and shall be filed in the Admiralty Registry.

3. On the filing of any application under the Act, the Court shall appoint a day for the hearing thereof, having regard to the notice (if any) required to be given in respect of that application; and after the hearing the Court may make such order thereon as the Court may think just.

4. Where in any proceeding relating to security notice is required by the Act or these Rules to be given, such notice shall be a notice of three clear days, except where these Rules otherwise provide, but the Court or a Judge may in any case permit such shorter notice as the justice of the case may require.

Mode of Fixing Security.

5. Every application to the Court to fix the nature and amount of the security which the owner ought to place under the control of the Court for the purpose of the Act shall be divided into paragraphs, describing—

(i.) The postal service in respect of which the owner is subsidized, and the names of the ports or places between which the service is performed, and at which the ships touch in the ordinary course of the service.

(ii.) The Government, whether British, colonial, or foreign, from which the owner receives a subsidy in respect of the service.

(iii.) The nationality of the ships engaged in the service.

(iv.) The maximum number of ships proposed to be employed and the number intended to be simultaneously engaged in the service, and the aggregate tonnage of such numbers respectively and the tonnage of the largest ship intended to be employed.

(v.) The amount for which the owner proposes to give his bond, and the nature and amount of the security whereby he proposes such bond to be guaranteed.

(vi.) The documents filed with the application in accordance with the Act and these Rules.

6. Together with the application shall be filed the certificate of a Secretary of State that the owner is subsidized for the execution of the postal service described in the application, and also such evidence on affidavit or otherwise as may be necessary in support of the statements made in the application.

7. Ten clear days before the day appointed for the hearing of an application to fix the nature and amount of security, the owner shall serve upon the Board of Trade a notice of the application, accompanying the same with copies of the application and of the affidavits and documents filed therewith.

8. Where the Court requires adequate real security to be given by way of mortgage, the mortgage shall be of real property situate in the United Kingdom, made in favour of the Admiralty Registrar, and the instrument of mortgage shall recite that the mortgage is made under the provisions and for the purposes of the Act.

9. Where an order fixing the nature and amount of security directs that the security shall consist wholly or partly of cash or Government securities, such cash or securities shall be paid and brought into Court, and subject to the Act and these Rules shall be lodged and dealt with in all respects according to the provisions of the Rules for the time being in force relating to funds in Court.

10. Where the security given consists of cash or Government securities the Court may make orders for the disposal of any income or dividends accruing thereon, but any such order may be cancelled or varied if it appears to the Court, having regard to pending claims or other circumstances, that such income or dividends ought to be applied to the enhancement of the security.

11. Where the security given consists wholly or partly of cash, the Court may, on the application of the owner, and in accordance with the Rules for the time being in force relating to funds in Court, direct such cash or any part thereof to be invested, and, if necessary, accumulated.

Procedure carrying out Exemption.

12. On the completion of the security in accordance with the order of the Court, the Admiralty Registrar shall forthwith give information thereof to the Board of Trade, and thereupon the Board of Trade shall publish a notice, intituled in the matter of the Act and of the Order in Council whereby the Act is applied as regards the postal service in respect of which the security has been given, and of the Order in Council (if any) whereby the Act is applied to any British possession, and reciting so much of the order of the Court as relates to the maximum number and tonnage of the ships to which the security is to apply, and requiring all arresting authorities to take notice that from and after the date therein mentioned (being the day on which the security was completed in accordance with the order of the Court), all the ships of the owner actually engaged in the said postal service

are to be deemed exempted mail-ships within the meaning of the Act.

13. As soon as may be after security is given in accordance with an order of the Court, the owner shall lodge in the Admiralty Registry a list of the ships actually engaged in the postal service, in respect of which the security has been given, mentioning the tonnage and port of registry of each ship, and shall also from time to time, as often as any ships are added or substituted for the purposes of that postal service, lodge in the Admiralty Registry a corrected list as aforesaid. A copy of every such list shall be transmitted to the Board of Trade for publication.

14. If notwithstanding its exemption any exempted mail-ship is arrested in the United Kingdom, the Board of Trade on being informed by the owner of such arrest and of the arresting authority, and on being satisfied that the ship is an exempted mail-ship, shall forthwith send a special notice to the arresting authority informing him that the ship is an exempted mail-ship, and as such entitled to release.

Applications to make Security sufficient, or to vary and withdraw.

15. Every application to the Court by the Board of Trade to require that any security shall be made sufficient, shall recite or describe the previous orders of the Court (if any) relating to the security, and shall also state the nature and amount of the security for the time being under the control of the Court, and the names and tonnage of the ships to which the security for the time being applies, and the causes, whether pending claims, variation of the conditions of the service or otherwise, whereby it appears to the Board of Trade that the security has become insufficient, and such application shall be accompanied by such evidence (if any) on affidavit or otherwise as may be necessary in support of any statements made therein which are not within the cognizance of the Board of Trade.

16. An application by an owner to vary or withdraw any security shall recite or describe the previous orders of the Court relating to the security, and the nature and amount of the security for the time being, and in case of an application to vary shall state the grounds upon which and the mode in which the owner desires the security to be varied. Every application to vary shall be accompanied by such evidence on affidavit or otherwise as may be necessary in support of the application.

17. An order of the Court for the withdrawal of security shall, in the first instance, be provisional, but the Court may, subject

to these Rules, make the order absolute on the application of the owner.

18. When a provisional order has been made for the withdrawal of security, the Admiralty Registrar shall give notice thereof to the Board of Trade, and thereupon the Board of Trade shall publish notices to all arresting authorities, in like manner as hereinbefore provided, reciting such order and notifying that, after the day named in the notice (such day not being earlier than a reasonable time after the publication of the notice), the Court may, on the application of the owner, make the order absolute, unless it appears to the Court that any pending claims exist for the purposes of which the security is required.

Cesser of Exemption.

19. Where on the application of the Board of Trade an order is made that any security shall be made sufficient within a time fixed, and default is made therein, or where an order for the withdrawal of any security is made absolute, the Admiralty Registrar shall forthwith notify the Board of Trade of such default or order absolute, as the case may be, and the Board of Trade shall thereupon publish a notice to the effect that the mail-ships in respect of which such default is made or such order is made absolute have since the date of the default or order absolute, as the case may be, ceased to be exempted mail-ships.

20. Without prejudice to any other mode of proof, a notice published by the Board of Trade containing the names of the exempted mail-ships of any owner, or until such notice is published a like notice declaring that all ships of the owner engaged in the postal service to which any security applies are exempted mail-ships, shall be evidence of the exemption of any mail-ship named in such notice or proved to have been at the date of an arrest actually engaged in the said postal service, but such evidence may be rebutted by any subsequently published notice by the Board of Trade containing a corrected list of the exempted mail-ships of that owner, or declaring that the ships of that owner have ceased to be exempted mail-ships, or by proof that the number and tonnage of the ships for the time being engaged in the postal service in respect of which the security was given exceeds the number and tonnage of the ships to which the security applies.

Procedure in case of Actions against Exempted Mail-ships.

21. An action may be commenced in the High Court against the owners of an exempted mail-ship in the like cases and by a like writ of summons as an Admiralty action *in rem*.

22. Every order of the Court directing any security consisting of cash or Government securities to be applied shall be forthwith notified by the Admiralty Registrar to the Paymaster-General.

23. In making orders for the application of the security, the Court may, so far as circumstances permit, give the like directions as to priorities as the Court could give in the case of proceeds of property under the control of the Court.

Publication of Notices by Board of Trade.

24. Where any notice respecting any exempted mail-ship or any security is by these Rules required to be published, the Board of Trade shall forthwith publish the same in the "London Gazette," and also, if the case so requires, in the Edinburgh or Dublin "Gazette," and where the exemption or security affects any British possession, the Board of Trade shall also forthwith send a copy of such notice to a Secretary of State for publication in that possession, and every notice so published shall be deemed to be notice to all arresting authorities in each part of the United Kingdom, and in such British possession respectively.

25. The Forms in the Schedule, with such variations as circumstances may require, shall be used in proceedings under the Act.

The 27th day of February, 1892.

SCHEDULE.

No. 1.

Form of Application to fix Security.

In the High Court of Justice,

Probate, Divorce, and Admiralty Division.

In the matter of "The Mail-Ships Act, 1891," and in the matter of
the Order in Council, 189 .

I, *A. B.*, being the owner (*or*, on behalf of *C. D.* and others, *or* of the
Company, the owners] of certain ships, do hereby apply to this
honourable Court to fix the security to be given by me under the provisions of
the said Act, as follows :—

1. I am [*or* the said *C. D.* and others, *or*, &c., are] subsidized for the
execution of a postal service within the meaning of the Convention mentioned
in the said Order in Council, being a Convention to which the said Act applies,
that is to say, for the carrying of mails between, &c. [*or as the case may be,*
stating shortly the nature of the postal service, and the names of the ports or
places, &c.].

2. The subsidy in respect of the said service is received from the Govern-

ment of the United Kingdom [*or the foreign State to which the Convention applies*].

3. The ships engaged in the said service are British [*or, &c.*] ships.

4. The following are the particulars of the ships engaged in the service:—

(a.) Maximum number,

(b.) Aggregate tonnage of maximum number,

(c.) Number simultaneously engaged,

(d.) Aggregate tonnage of such number,

(e.) Tonnage of largest ship.

5. The security proposed to be given is as follows:—A bond for the sum of £ , guaranteed by, &c. [*state nature and amount of guarantee*].

6. The following documents are filed with this application, viz.:—[*give list of documents*].

Filed this day of , 189 .

A. B.

Address for service, _____.

No. 2.

Form of Application by Board of Trade.

In the High Court of Justice,

Probate, Divorce, and Admiralty Division.

In the matter of “The Mail-Ships Act, 1891,” and in the matter of
the Order in Council, 189 .

I, *E. F.*, an Assistant Secretary of the Board of Trade, do hereby, on behalf of the said Board, apply to this honourable Court, pursuant to the said Act, for an order requiring that the security given by [*name of owner*] shall be made sufficient, and say as follows:—

1. By an order made, &c., this Court fixed the security to be given by the said owner, namely [*state nature and amount*].

[1 A. *State any previous orders of the Court requiring security to be made sufficient.*]

2. The security now under the control of the Court consists of, &c.

3. The names and tonnage of the ships to which the said security for the time being applies are, &c.

4. The said security now under the control of the Court appears to the Board of Trade to be insufficient, for the following reasons, viz., &c.

5. I append to this application the following affidavits, &c.

Filed this day of , 189 .

E. F., Assistant Secretary to the Board of Trade.

No. 3.

Form of Application to vary or withdraw Security.

In the High Court of Justice,

Probate, Divorce, and Admiralty Division.

In the matter of “The Mail-Ships Act, 1891,” and in the matter of
the Order in Council, 189 .

I, *A. B.* [*or, &c.*], being the owner of certain ships in respect of which security has been given under the provisions of the said Act, do hereby apply to this honourable Court as follows:—

1. By an order made, &c., this Court fixed the security to be given by the said owner, namely [*state nature and amount*].

[1 A. *State any previous orders of the Court requiring security to be made sufficient.*]

2. The security now under the control of the Court consists of, &c.

3. The names and tonnage of the ships to which the said security for the time being applies are, &c.

4. I hereby apply to the Court for an order that the security now under the control of the Court may be varied for the following reasons, &c. [*or to be withdrawn*].

5. I desire that the said security may be varied in manner following, &c.

6. I append to this application the following affidavits, &c.

No. 4.

Notice to the Board of Trade.

In the High Court of Justice,
Probate, Divorce, and Admiralty Division.

In the matter of "The Mail-Ships Act, 1891," and in the matter of
the Order in Council, 189 .

I, *A. B.* [*or G. H.*, solicitor for *A. B.*, of , *or C. D.* and others], hereby give notice that an application under the said Act was on the day of , 189 , filed in the Admiralty Registry, for an order fixing the nature and amount of the security to be given [*or varying or withdrawing the security given, or requiring the security given by A. B. to be made sufficient*] in respect of ships engaged in the postal service mentioned in the said application, and that the Court has appointed the day of next for the hearing thereof.

The day of , 189 .

A. B. [*or G. H.*, solicitor for the above-named *A. B.*].

No. 5.

Form of Bond by Owner.

Be it known that I [*obligor*] of, &c., am bound and do hereby bind myself unto Sir Charles Parker Butt, President of the Probate, Divorce, and Admiralty Division of Her Majesty's High Court of Justice, in the sum of £ to be paid to the said Sir Charles Parker Butt, or to the President of the said Division for the time being.

Scaled with my seal.

Dated the day of , 189 .

Whereas the said *A. B.* has applied to the High Court under the provisions of "The Mail-Ships Act, 1891," to fix the security to be given by him in respect of certain ships engaged in, &c. [*describe postal service*], and the said Court has on the day of , 189 , made an order upon such application; And whereas on such security being given the said ships will be exempted mail-ships and not liable to be arrested or detained by any arresting authority either in the United Kingdom or in any British possession to which the security applies, either for the purposes of founding jurisdiction in any Court of

Admiralty, or of enforcing the payment of any damages, fine, or other claim or sum, or of enforcing any forfeiture.

Now the condition of the above bond is such that if at any time before the Court makes an order absolute for the withdrawal of such security the said *A. B.* shall pay, or cause to be paid, all such damages, fines, debts, claims, or sums as the said *A. B.* shall become liable to pay in respect of any of the said ships which might, if it were not an exempted mail-ship, be arrested by any arresting authority, either in the United Kingdom or in such British possession as aforesaid, then the above written obligation shall be void and of no effect, but otherwise it shall remain in full force.

No. 6.

Bond of Surety.

In the High Court of Justice,
Probate, Divorce, and Admiralty Division.

In the matter of "The Mail-Ships Act, 1891," and in the matter of
the Order in Council, 189 .

Whereas *A. B.* has applied to the High Court to fix the security to be given by him in respect of certain ships engaged in the postal service mentioned in the application, and the High Court has made an order upon such application;

And whereas on such security being given the said ships will be exempted mail-ships and not liable to be arrested or detained by any arresting authority either in the United Kingdom or in any British possession to which the security applies, either for the purpose of founding jurisdiction in any Court of Admiralty, or of enforcing the payment of any damages, fine, or other claim or sum, or enforcing any forfeiture:

Now, therefore, I, *J. S.*, hereby submit myself to the jurisdiction of the said Court, and consent that if he, the said *A. B.*, shall not pay all such damages, fines, debts, or other claims or sums as aforesaid, which he may be adjudged by any Court in the United Kingdom or in any British possession to which the said security applies, to pay in respect of any ship which might, if it were not an exempted mail-ship, be arrested by any arresting authority, either in the United Kingdom or in such British possession as aforesaid, execution may issue forth against me, my heirs, executors, and administrators, goods and chattels for a sum not exceeding £ .

J. S.

This bond was signed by the said _____ the _____ day
of _____, 189 .

Before me,

[*A Commissioner, &c.*]

No. 7.

Notice of Completion of Security.

In the High Court of Justice,
Probate, Divorce, and Admiralty Division.

In the matter of "The Mail-Ships Act, 1891," and in the matter of
the Order in Council, 189 , and in the matter of
the security of *A. B.*

Notice is hereby given that the security of the said *A. B.* was on the
day of , 189 , completed, in accordance with the order of
the Court made on the last, and is now under the control of the
Court.

This day of , 189 .

M. N., Registrar.

To the Board of Trade.

No. 8.

Notice by the Board of Trade of Exemptions.

In the High Court of Justice,
Probate, Divorce, and Admiralty Division.

In the matter of "The Mail-Ships Act, 1891," and in the matter of
the Order in Council, 189 .

Whereas an application has been made to the High Court of Justice to fix
the security to be given, under the provisions of the said Act, by *A. B.*, being
the owner of certain ships engaged in [*describe the postal service*], for the
execution of which service the said *A. B.* is subsidized by the
Government:

And whereas the High Court on such application did on the day
of , 189 , fix the security so to be given as follows [*state
nature and amount*];

And whereas on the day of last the said security
was given and completed, and is now under the control of the Court;

And whereas the security so given by the said *A. B.* applies to all ships of
the said *A. B.* actually engaged in the said postal service [*or to the following
ships, namely, &c.*]:

Now, therefore, the Board of Trade, in pursuance of the said Act, hereby
give notice to every arresting authority in the United Kingdom, that is to say,
every Court, authority, or officer having power to arrest or detain a ship, or to
arrest a person on board a ship, or to order such arrest or detention, or to order
the execution of any process, civil or criminal, for the arrest of a person on
board any ship, that all [*or the said*] ships of the said *A. B.*, for the time being
actually engaged in carrying mails for the said postal service, are to be deemed
exempted mail-ships, and entitled to the exemptions and privileges given by the
said Act to exempted mail-ships.

E. F., Assistant Secretary.

Board of Trade, this day of , 189 .

No. 9.

Notice to the Board of Trade of Provisional Order for Withdrawal.

In the High Court of Justice,

Probate, Divorce, and Admiralty Division.

In the matter of "The Mail-Ships Act, 1891," and in the matter of
the Order in Council, 189 , and in the matter of
the security given by *A. B.*

Notice is hereby given that a provisional order has been made for the withdrawal of the above-mentioned security, and that the Court may, on application and on being satisfied as provided by the said Act, proceed to make the same absolute.

This day of , 189 .

M. N., Registrar.

To the Board of Trade.

No. 10.

Notice by Board of Trade of Provisional Order for Withdrawal.

In the High Court of Justice,

Probate, Divorce, and Admiralty Division.

In the matter of "The Mail-Ships Act, 1891," and in the matter of
the Order in Council, 189 , and in the matter of
the security given by *A. B.*

Whereas *A. B.*, being the owner of certain ships engaged in [*describe the postal service*], has given security under the said Act, and the said ships are now exempted mail-ships;

And whereas the said security now under the control of the Court consists of, &c.;

And whereas on the the Court, on the application of the said *A. B.*, made a provisional order for the withdrawal of the said security:

Now, therefore, the Board of Trade, in pursuance of the said Act, hereby give notice to every arresting authority in England and Wales [*or as the case may be*], that is to say, &c. [*as in Form No. 7*], that on and after the

next the said ships shall, as respects every such authority, cease to be exempted mail-ships within the meaning of the said Act, and that the Court may, on application and on being satisfied as required by the said Act, permit the said security to be withdrawn from the control of the Court.

E. F., Assistant Secretary

Board of Trade, this day of , 189 .

No. 11.

Notice by Board of Trade of Cesser of Exemption.

In the High Court of Justice,
Probate, Divorce, and Admiralty Division.

In the matter of "The Mail-Ships Act, 1891," and in the matter of
the Order in Council, 189 , and in the matter of
the security of *A. B.*, &c.

Whereas *A. B.*, an owner of exempted mail-ships under the said Act, in respect of carrying the mails, &c. [*describe postal service*], was required by order of Court, dated the day of , 189 , to make his security sufficient to the satisfaction of the Court on or before the day of last, and has made default therein:

[Or whereas *A. B.*, &c., has applied to the Court for an order withdrawing his security given under the said Act, and the Court has made an order absolute for such withdrawal]:

Now, therefore, the Board of Trade, in pursuance of the said Act, hereby give notice to every arresting authority, that is to say, &c. [*as in Form No. 6*], that the ships of the said *A. B.* have since the [*insert date of default or of order absolute, as the case may be*] ceased to be exempted mail-ships within the meaning of the said Act.

E. F., Assistant Secretary.

Board of Trade, this day of , 189 .

SCALE OF FEES.

	£	s.	d.
On filing an application to fix security	9	10	0
On every subsequent application by the owner or other person (except the Board of Trade) with respect to the security	0	5	0
On every order of the Court fixing the security.. .. .	1	0	0
On every other order of the Court with respect to the security	0	10	0
On every affidavit or other document filed, the like fee as in an Admiralty action.			
On every 50 <i>l.</i> or fraction of 50 <i>l.</i> paid out of Court upon an order for the application of the security	0	5	0

BRITISH ORDER IN COUNCIL, applying to Zanzibar the Law in force in British India respecting Trade-marks, Merchandize Marks, Copyright, Designs, or Inventions.—Windsor, May 16, 1893.

At the Court at Windsor, the 16th day of May, 1893.

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY.

Lord President.

Marquess of Ripon.

Mr. Secretary Asquith.

WHEREAS by Treaty, grant, usage, sufferance, and other lawful means, Her Majesty the Queen has jurisdiction within the dominions of the Sultan of Zanzibar :

Now, therefore, Her Majesty, by virtue and in exercise of the powers by "The Foreign Jurisdiction Act, 1890,"* or otherwise in Her Majesty vested, is pleased, by and with the advice of her Privy Council, to order, and it is hereby ordered, as follows :—

1. Any act which if done in British India would be an offence against the law for the time being in force in British India relating to trade-marks, merchandize marks, copyright, designs, or inventions, shall, if done in Zanzibar by a person subject to the Orders in Council relating to Zanzibar, be an offence, whether such Act is done in relation to any property or right of a British subject, or of a foreigner or native, or otherwise; and any person guilty of such offence shall be punished with imprisonment for a term which may extend to two months, or with a fine which may extend to 1,000 rupees, or with both.

2. Any Act of the Governor-General of India in Council, or of the Governor of Bombay in Council, amending or substituted for any of the Acts of those Legislatures respectively which are made applicable to Zanzibar by or under the provisions of Article 8 of "The Zanzibar Order in Council, 1884,"† or shall hereafter be made so applicable, shall apply to Zanzibar without any order of the Secretary of State in that behalf, subject, however, to the provisions made in that Article for facilitating the application of enactments.

3. This Order shall be read and construed as part of "The Zanzibar Order in Council, 1884," and may be cited as "The Zanzibar (Trade-Marks, &c.) Order in Council, 1893."

4.—(a.) This Order shall come into operation at the expiration

* Vol. LXXXII, page 656.

† Vol. LXXV, page 639.

of one month after it is first exhibited in the public office of the Consulate at Zanzibar: provided that any Act of the Imperial Parliament, extending to India, or any Act of the Governor-General in Council which is passed after the commencement of this Order, and applies to Zanzibar by virtue of this Order, shall not take effect until the expiration of one month after such Act has been exhibited in like manner.

(b.) The Consul-General shall cause a copy of this Order and of every such Act to be exhibited, and for the said period kept exhibited, in the public office of the Consulate accordingly.

And the Right Honourable the Earl of Rosebery, K.G., one of Her Majesty's Principal Secretaries of State, is to give the necessary directions herein.

C. L. PEEL.

*BRITISH NOTIFICATION, respecting the Nyasaland Districts (the British Central Africa Protectorate).—London, February 22, 1893.**

Foreign Office, February 22, 1893.

It is hereby notified for public information that the Nyasaland districts which were declared by the Notification of the 14th May, 1891,† published in the "London Gazette" of the 15th May, 1891, as being a British Protectorate, will be hereafter officially known and described as the "British Central Africa Protectorate."

RULE under "The Zanzibar Order in Council, 1884," establishing a Table of Judicial Fees to be levied in the Zanzibar Courts.—Zanzibar, May 3, 1893.

By virtue of the powers vested in me under Article 44 of "The Zanzibar Order in Council, 1884,"‡ I, Her Majesty's Acting Diplomatic Agent and Consul-General, declare the annexed Table of Fees as leviable in the Courts established under that Order, with the approval of the Secretary of State and concurrence and sanction of

* "London Gazette," February 24, 1893.

† Vol. LXXXIII, page 142.

‡ Vol. LXXV, page 639.

the Commissioners of Her Majesty's Treasury, and make them to come into force from this day's date.

Zanzibar, May 3, 1893.

RENNELL RODD, *Her Britannic Majesty's Acting
Diplomatic Agent and Consul-General, Zanzibar.*

Approved :

ROSEBERY, *Secretary of State for Foreign Affairs.*
Foreign Office, May 31, 1893.

SCALE OF FEES.

Service.

For service of summons, petition, answer, motion-paper, notice, warrant, decree, order, or other document on a party, witness, juror, assessor, or other person, under any branch whatever of the civil jurisdiction—

	£	s.	d.	
Within 1 mile (English) of Court at Zanzibar ..	0	2	6	} Not exceed- ing 5s.
Beyond, for every further complete mile ..	0	1	0	
In Pemba or on the mainland	0	5	0	

Decision of Questions without Formal Suit.

	£	s.	d.
On submission of special case	1	0	0
On hearing	1	0	0

Summary Procedure for Administration of Property of Deceased Persons.

On summons	1	0	0
On order	1	0	0

Summary Orders before Suit.

On application for order	0	10	0
On recognizance	0	10	0
On order	0	5	0

Bankruptcy and Liquidation by Arrangement or Composition.

On declaration by a debtor of inability to pay his debts	0	5	0
On debtor's summons	0	5	0
On bankruptcy petition	5	0	0
On petition for arrangement or composition	1	0	0
On order for adjudication	1	0	0
On meeting or adjournment of meeting	1	0	0

On special resolution presented to the Registrar for registration { $\frac{1}{4}$ per cent. on the gross amount of the assets, not exceeding a total fee of 200l.

On extraordinary resolution presented to the Registrar for registration { $\frac{1}{4}$ per cent. on the gross amount of composition, not exceeding a total fee of 200l.

	£	s.	d.
On order of discharge	2	0	0
On notice to creditors, each	0	0	3
On preparing advertisement	0	5	0
On execution of warrant	1	0	0
On keeping possession, per diem	0	10	0
On inventory, per diem	1	0	0

Probate and Administration.

On application for probate or administration	1	0	0
On oath for every executor, and administrator, and surety	0	10	0
On every security	1	0	0
On probate or letters of administration with will annexed	The like sum as is for the time being payable in England for stamp duty in like cases, not exceeding a total fee of 100 <i>l</i> .		
On letters of administration without will annexed	The like sum as is for the time being payable in England for stamp duty in like cases, not exceeding a total fee of 150 <i>l</i> .		
Where the Court appoints as administrator an officer of the Court	In addition to the foregoing, 1 per cent. on the value of the estate and effects, not exceeding (with the foregoing) a total fee of 200 <i>l</i> .		
	£	s.	d.
On filing account	0	10	0
On passing account	1	0	0

Ordinary Suits.

In every suit of any kind whatever, other than such as are before specified :—

	On Summons or Petition.	On Hearing.
	£ s. d.	£ s. d.
Where amount involved is—		
Under 5 <i>l</i>	0 1 0	0 1 0
5 <i>l</i> . and under 10 <i>l</i>	0 2 6	0 2 6
10 <i>l</i> . and under 20 <i>l</i>	0 2 6	0 5 0
20 <i>l</i> . and under 50 <i>l</i>	0 7 6	0 10 0
50 <i>l</i> . or upwards	$\frac{1}{2}$ per cent. on amount involved, not exceeding a total fee of 25 <i>l</i> .	
Where judicial relief or assistance is sought, but not the recovery of money	1 0 0	1 0 0

	£	s.	d.
On every summons, motion, application, or demand, taken out, made or filed (not particularly charged)	0	5	0
On every rule	0	10	0

	£	s.	d.
On every decree or order (not particularly charged)	0	2	6
On order for adjournment of hearing rendered necessary by default of either party (to be paid by that party)	0	7	6
On every warrant of execution against goods—			
For less than 50 <i>l.</i>	0	5	0
For 50 <i>l.</i> or upwards	1	0	0
For keeping possession, per diem	0	10	0

Appeal to Supreme Consular Court.

On motion for leave to appeal	0	10	0
On every security.. .. .	0	10	0
On order for leave to appeal	1	0	0

	On Petition or Motion.	On Hearing.
	£ s. d.	£ s. d.
On appeal against adjudication of bankruptcy.	5 0 0	2 0 0
On appeal against allowance, suspension, or refusal of order of discharge in bankruptcy.	5 0 0	2 0 0
On appeal where judicial relief or assistance is sought, but not the recovery of money ..	2 0 0	2 0 0
On any appeal other than such as are before specified	$\frac{1}{2}$ per cent. on amount involved, not exceeding a total fee of 25 <i>l.</i>	

Appeal to the High Court of Bombay.

	£	s.	d.
On motion for leave to appeal	2	0	0
On every security.. .. .	2	0	0
On order for leave to appeal	5	0	0
On record of appeal (including expense of transmission) ..	Such sum as the Court directs.		

Miscellaneous.

On taxation of any bill of costs, for every ten folios, from each party to the taxation	0	5	0
On every deposition taken before trial	0	10	0
On balances of estates of deceased persons paid into Court other- wise than in a suit	2½ per cent. on amount.		
On deposit or registration of bill of sale, will, deed of partnership, or other document	1	0	0
On notice of bill of sale filed	1	0	0
For taking inventory, per diem	1	0	0
For protest of a bill of exchange, and copy	1	0	0
For noting a bill of exchange	0	5	0
For copy of such notation	0	2	6
For taking an affidavit	0	5	0
For every exhibit.. .. .	0	2	6

	£	s.	d.
For drawing a will—			
If not exceeding 200 words	1	0	0
If exceeding that number, for every subsequent 100 words or fraction thereof	0	5	0
For filing any document whatever	0	5	0
For certifying signature or seal	0	5	0
For attendance at a sale—			
At request of parties interested or of local authorities, if absent less than two hours	2	0	0
At request of parties interested, for each additional hour or fraction thereof 10s., with a maximum per day of.. .. .	4	0	0
On reference to the archives	0	2	6
For certified copy of document in the archives—			
For first 100 words	0	2	6
For every further 100 words	0	1	0
For an official certified translation of any document—			
For first 100 words	0	10	0
For every further 100 words	0	5	0
For communication between two Consular Courts	0	10	0
For attendance of Consular officer at local office or Tribunal—			
Where amount involved is —			
Under 250l.	0	10	0
250l. and under 500l.	1	0	0
500l. and under 1,000l.	2	0	0
1,000l. and upwards	$\left. \begin{array}{l} \frac{1}{2} \text{ per cent. on amount} \\ \text{involved, not exceed-} \\ \text{ing a total fee of 50l.} \end{array} \right\}$		

Criminal Matters.

	£	s.	d.
On every summons or warrant, unless specially directed by the Court to be issued	0	2	6
On hearing in summary case	0	2	6
On warrant of commitment	0	1	6
On recognizance	0	1	0
For service of notice on each juror or assessor	0	2	6
On trial with a jury	0	10	0
On record of sentence on a trial with a jury	0	10	0
On appeals	0	10	0

RULES respecting the Registration of Non-Testamentary Instruments under "The Zanzibar Order in Council, 1884."

[Approved by the Secretary of State for Foreign Affairs,
November 28, 1893.]

RULES under Articles 43 and 44 of "The Zanzibar Order in Council, 1884,"* made by the Consul-General and approved by the Secretary of State, with the concurrence of the Commissioners of Her Majesty's Treasury, for the Registration of Non-Testamentary Instruments.

[N.B.—The Order in Council provides that a non-testamentary instrument, as described in Rule 1, executed after the commencement of Rules made under Article 43, shall not affect any immovable property comprised therein, or be received as evidence of any transaction affecting that property, unless it has been registered at such time and place and in such manner as may be prescribed by Rules so made.]

1. THESE Rules apply to the registration of any non-testamentary instrument to which a British subject is a party, purporting or operating to create, declare, assign, limit, or extinguish, whether in present or in future, any right, title, or interest, whether vested or contingent to, in or over immovable property situate in Zanzibar.

2. These Rules shall commence and take effect from and after the 1st day of November, 1893.

3. For the purposes of these Rules, the expression "Registrar" means the Consul-General or a Consul or Vice-Consul at Zanzibar, or a person for the time being exercising the functions of any of those officers.

4. For the purposes of registration, the instrument shall be brought to the Consulate; and if the Registrar requires the instrument to be left he shall give a receipt for the same, which receipt must be produced when the instrument is applied for after registration.

5. If an instrument is not in the English, French, Arabic, Gujerati, or Swahili language, it must be accompanied by a translation in English duly certified by a Notary Public.

6. Every instrument presented for registration must contain a description of the land to which it refers, sufficient for its proper identification.

7. Where a map or plan is comprised in or annexed to an instrument, a true copy of such map or plan must accompany the

instrument when brought for registration, and such copy shall be filed in the register-book.

8. The instrument must be brought for registration either by the person or a person executing or claiming under the same, or the representative or agent of such person, and the Registrar may require to be satisfied as to the identity of the person by whom the instrument is brought, or in the case of a representative or agent, as to his authority, which authority may be proved by probate, power of attorney, or other evidence appearing to the Registrar to be sufficient.

9. Before registering an instrument under these Rules, the Registrar shall satisfy himself that it is an instrument to which these Rules apply.

10. The Registrar shall cause a copy to be made of every instrument brought for registration, and shall compare the copy with the original, certifying it to be a true copy.

11. The Registrar shall number every such copy consecutively, entering the day of the month and the year when it is registered, and shall file the copies in the order in which the instruments came to his hands.

12. The filing of such copy shall be deemed to be registration of the instrument, and the register shall consist of the filed copies, arranged or bound in volumes conveniently for reference.

13. A certificate signed by the Registrar shall be indorsed on every instrument registered, containing a sufficient reference to the number and position of the instrument in the register, which certificate shall be proof of the due registration of the instrument in the absence of sufficient evidence to the contrary.

14. On the completion of the registration, the Registrar shall return the instrument and any accompanying documents to the person by whom the same were brought for registration, taking a receipt therefor in such form as the Consul-General may direct.

15. Subject to such precautionary directions as the Consul-General may think proper, the register may, during the usual office hours on working days, be searched and examined by any applicant, and copies of any entry may be obtained, if required. For the purposes of searching the register, indexes shall be kept in such form and containing such particulars as to grantors, grantees, property affected and otherwise, as the Consul-General may direct.

16. In respect of the registration of instruments under these Rules, the fees mentioned in the Schedule hereto shall be payable.

RENELL RODD, *Her Britannic Majesty's Acting
Diplomatic Agent and Consul-General.*

SCHEDULE OF FEES.

	£	s.	d.
1. For registration	0	2	6
2. For collating and certifying copy entered in the Register, if not exceeding 100 words	0	5	0
3. If exceeding 100 words, for additional 100 words or fraction thereof	0	1	0
4. For making copy of the document, if not exceeding 100 words ..	0	1	6
5. If exceeding that number, for every subsequent 100 words ..	0	1	0

N.B.—If the document is in any other language than the English, French, Arabic, Gujerati, or Swahili, double the fees Nos. 4 and 5 are charged.

Approved.

ROSEBERY.

Foreign Office, November 28, 1893.

PROVISIONAL REGULATIONS for the Government and Administration of the British Protectorate of Witu.—August 1893.

By order of His Highness the Sultan of Zanzibar.

THE following Provisional Regulations are issued for the government and administration of the British Protectorate lying between the Rivers Tana and Juba:—

1. All unoccupied and unassigned land is the property of the State.

2. The exclusive privilege of working, leasing, or assigning any mines or deposits of any metals, minerals, mineral oils, or precious stones belongs to the State.

3. The felling of timber in the forests shall be regulated by particular arrangement with the Administrator, who is empowered to grant or refuse permission, and to fix the royalty which, if permission is granted, shall be paid to the State. The wood used for building and burning, commonly known as “boriti,” is not included in the above Regulation.

4. The sale of slaves is prohibited. The separation of the children of slaves from their mothers is forbidden, on the severest penalties.

Slaves may only be inherited by the lawful children of the present owners.

5. All titles to any real property are to be registered before the Administrator within a period of one year from the present date. All such titles brought in for registration will be publicly exhibited

in the nearest village to the locality where the property is situated within twenty-one days, to enable the claim to be contested.

After the lapse of one year from the present time, no claims which have not been registered will be recognized as legal unless the claimant is able to show adequate cause why he has neglected to comply with this Regulation.

The fee for registration of real property will be $\frac{1}{4}$ per cent. of the value.

6. Kathis will be appointed for the administration of justice at Mkonumbi, Wangeh, and Mataroni. Only the written judgments of such Kathis, appointed by His Highness the Sultan of Zanzibar, stamped with his official seal, will be recognized as valid and put into execution.

Appeal from these judgments will lie, in the first instance, to the Administrator, and finally to His Highness the Sultan of Zanzibar.

Copies of the judgments will be supplied to applicants by the Kathis, on payment of 1 per cent. of the amount adjudged. The law will be administered according to the Sheria.

In all cases in which Europeans are concerned His Highness delegates his authority to the Administrator, who will fix a day for hearing the case, or, in his absence, to the Assistant Administrator.

7. All mortgages, deeds of sale, transfers of property, loans, promissory notes, &c., in order to acquire legal validity must be registered before one of the above-mentioned three Kathis, according to the system now in force at Zanzibar.

The fee for registration will be 1 per cent. of the value stated.

8. The import, manufacture, and sale of fire-arms, ammunition, powder, and caps is prohibited. Exceptions will only be made on the production of a signed permit from the Administrator, on the conditions prescribed by the Regulations in force in Zanzibar. Such permits will be subject to a stamp duty of 1 rupee.

9. The import of alcoholic liquors is prohibited. Exceptions will only be made in the case of limited quantities for the use of Europeans who provide a sufficient guarantee that the liquors imported are for their own personal consumption.

The retail trade in alcoholic liquors is prohibited altogether.

The standard of measurement for alcoholic liquors is that in force in Zanzibar.

10. The Customs stations of the Protectorate are the following: Port Durnford, Kiunga, Kiwaiyu, Mataroni, Dodori, Wangeh, Mgini, Mwanza, Mesarabu, Mkoi, Mkonumbi, Kimbo.

An uniform duty of 5 per cent. will be raised for the present on all imports. (Spirits, wines, beer, and tobacco which have already paid the 5 per cent. duty in Zanzibar will, if imported

direct from Zanzibar to the Protectorate, be exempt from further duty.)

The following scale of duties will be raised on native produce exported:—

Ivory	15 per cent. <i>ad valorem</i> .
Copal	15 „ „
India-rubber	15 „ „
Semsem	12 „ „
Orchilla weed	10 „ „
Ebony	5 „ „
Boritis	10 „ „
Hides	10 „ „
Rhinoceros horn and hippopotamus teeth ..	10 „ „
Tortoiseshell	10 „ „
Cowry shells	5 „ „
Native tobacco	5 „ „
Chillies	10 „ „
Ground-nuts	12 „ „
Cotton	5 „ „
Bark	10 „ „
Matting bags	5 „ „

Dol. c.

Indian corn, caffre corn, mawele, lentils, and all other similar grain	0 35 per gizla.
Rice in husk	0 25 „
Chiroko	1 10 „
Camels	2 00 each.
Donkeys.. .. .	1 00 „
Horses	10 00 „
Cattle	1 00 „
Sheep and goats	0 25 „

Duties will be collected in kind on the following of the above-mentioned products: cotton, bark, matting bags, and rubber.

To avoid a second duty being charged at Lamu on certain of the above produce sent there for transhipment, a certificate should be obtained from the Customs officer who has levied the duty, stating the port of destination to which the goods will ultimately be sent, and that they are forwarded to Lamu in transit for shipment only. (N.B.—Duty will be charged by the Lamu Custom-house on all goods which shall be opened or removed while in store there.)

The Zanzibar Government steamers will call regularly every month at Lamu, where goods may be also transhipped direct on board from dhows without incurring any charges for storage.

11. The Administrator is empowered to draw up local Regulations for the protection of the natural products of the country from waste or abuse.

*BRITISH PROCLAMATION, respecting the Administration of
the Protectorate of Witu.—July 31, 1893.*

In the name of the Queen.

A Proclamation.

BE it known to all whom it may concern, that the Imperial British East Africa Company, having resigned the administration of the British Protectorate north of the Tana, with the exception of the territories belonging to the Sultan of Zanzibar, which the Company still retains, it falls to Her Majesty's Government to make further arrangements for the administration of that Protectorate;

And that they have decided during pleasure to delegate the administration to their trusted friend, Seyyid Hamed-bin-Thwain, Sultan of Zanzibar, who has accepted this responsibility.

The Protectorate is not incorporated in His Highness' dominions, but remains independent of and distinct from them.

July 31, 1893.

RENNELL RODD, *Her Britannic Majesty's Acting
Agent and Consul-General at Zanzibar.*

*PROCLAMATION by the High Commissioner for South
Africa, respecting Claims to Land Grants and to Mineral
and other Concessions in the Bechuanaland Protectorate.—
Cape Town, January 10, 1893.**

PROCLAMATION by his Excellency Sir Henry Brougham Loch, Knight Grand Cross of the Most Honourable Order of the Bath, Knight Grand Cross of the Most Distinguished Order of St. Michael and St. George, Governor and Commander-in-chief of Her Majesty's Colony of the Cape of Good Hope, in South Africa, and of the territories and dependencies thereof, Governor of the territory of British Bechuanaland, and Her Majesty's High Commissioner for South Africa, &c.

WHEREAS it is expedient to appoint a Commission to inquire into and report upon certain alleged land grants and mineral and other concessions claimed in the Bechuanaland Protectorate:

* "London Gazette," March 7, 1893.

Now, therefore, under, and by virtue of, the powers, authorities, and jurisdictions vested in and conferred upon me, I do hereby proclaim, declare, and make known as follows :—

1. A Commission shall be constituted to be styled “The Concession Commission for the Bechuanaland Protectorate,” which shall be composed of a President, two Commissioners, and a Secretary, to be appointed by the High Commissioner by Government Notice in the Government Gazette of the Colony of the Cape of Good Hope.

2. Any change in the person of the President, either Commissioner, or the Secretary, shall be notified in like manner.

3. The Commission shall have power and authority from time to time, and at one or more meetings or sittings, or adjourned meetings or sittings, to inquire into and report upon alleged land grants and mineral or other concessions claimed in respect of any part of the territories, exclusive of the Tati district, which are included under section 3 of my Proclamation of date the 27th day of September, 1892.*

4. The powers and authorities conferred upon the Commission by this Proclamation shall be exercised, such inquiry as aforesaid shall be pursued, and such report as aforesaid shall be made within or during such time, subject to such conditions, and in accordance with such directions and instructions, as may be defined by law or by the terms of any commission or letter of instructions given or granted from time to time to the President by the High Commissioner.

5. All proceedings before or by the Commission shall be subject to such rules of procedure or practice as may be not inconsistent with the law of the Colony of the Cape of Good Hope, or to such rules and practice as may be laid down or decided upon by the Commission.

6. The Commission shall, by notices signed by the Secretary, and published in the Government Gazettes of the Colony of the Cape of Good Hope and of British Bechuanaland, prescribe the period within which claims must be filed with the Secretary, and also the time and place of the first meeting or sitting of the Commission for the hearing of claims, and with regard to further or adjourned meetings or sittings, such notice shall be given in manner aforesaid or otherwise as the Commission shall direct.

7. No claim not duly filed within the period aforesaid, or such further period as the Commission may allow by like notice, shall be entertained, or shall thereafter be recognized as of any validity, save by special permission of the High Commissioner.

8. The Commission shall cause sufficient notices to be given

from time to time to any native Chief or other person interested in the inquiry into any claim, and such notices shall be given either by personal service or by publication in one or more of the Government Gazettes aforesaid, or otherwise as the Commission may direct.

9. The claimant and, by special leave of the Commission, any native Chief or other person interested as aforesaid may at the inquiry into any claim appear personally or by counsel, attorney, or agent authorized, in writing, and may produce evidence before the Commission in connection with such inquiry, subject to such rules of procedure and practice as aforesaid.

10. The Commission may grant at the instance of a claimant or any native Chief or interested person, or may issue for the purposes of any inquiry, subpoenas or summonses calling upon any person to appear and testify before the Commission concerning any claim being the subject of inquiry, and all persons shall be bound and obliged duly to conform to and obey all summonses or orders under the hand of the Secretary acting with the authority of the Commission, whether such summons or order be issued for the purpose of calling any such person to give evidence, or for the furtherance of any other purpose within the scope of the powers and authorities conferred upon the Commission.

11. The penalty for wilful default in complying with any such summons or order as aforesaid shall be by way of summary fine in any sum which the Commission may assess, or by way of summary attachment and imprisonment for contempt for any term not exceeding twelve months, or by way of both such fine and imprisonment.

12. For the purposes of the last preceding section the Commission shall be clothed with all powers conferred by the law of the Colony of the Cape of Good Hope on the Supreme Court.

13. For the purpose of proceeding to take any of the evidence in connection with any inquiry, the President or one Commissioner, with the Secretary, or his *locum tenens*, shall form a quorum, with all the powers in that behalf hereby conferred.

14. The Commission shall have power to administer an oath to any witness, but may in its discretion admit affidavits or take an oral statement in lieu of evidence upon oath from any witness; but all witnesses, whether testifying on oath or not, shall be liable for false testimony to prosecution before any Court having jurisdiction, and on conviction to the punishment provided for the crime of perjury.

15. Notes of the evidence taken in connection with every claim shall be duly recorded and preserved.

Given under my hand and seal this 10th day of January, 1893.

HENRY B. LOCH, *High Commissioner*.

By command of his Excellency the High Commissioner,
GRAHAM BOWER, *Imperial Secretary*.

*PROCLAMATION by the High Commissioner for South Africa, constituting a Court to inquire into and decide upon Claims to Land Grants and Concessions in the Western Part of the Colony of British Bechuanaland.—Cape Town, February 1, 1893.**

PROCLAMATION by his Excellency Sir Henry Brougham Loch, Knight Grand Cross of the Most Honourable Order of the Bath, Knight Grand Cross of the Most Distinguished Order of St. Michael and St. George, Governor and Commander-in-chief of Her Majesty's Colony of the Cape of Good Hope in South Africa, and of the territories and dependencies thereof, Governor of the territory of British Bechuanaland, and Her Majesty's High Commissioner for South Africa, &c.

WHEREAS it is expedient to constitute and establish a Court, to be styled "The British Bechuanaland Concession Court," to exercise jurisdiction for the purpose of inquiring into and deciding upon the validity and scope of claims founded upon grants of land or mineral or other concessions alleged to have been before the 5th day of May, 1891, acquired from native Chiefs or other persons in respect of any part of the territory over which on the said date Her Majesty's sovereignty was proclaimed by Proclamation No. 106, B.B., 1891, and which now forms portion of British Bechuanaland; and whereas, in furtherance of the object aforesaid, it is desirable to proclaim the powers, jurisdictions, and authorities, and, in general, to regulate the proceedings of the said Court:

Now, therefore, under and by virtue of the powers in me vested, I do hereby proclaim, declare, and make known as follows:—

1. A Court shall be and is hereby constituted and established, to be styled "The British Bechuanaland Concession Court," and hereinafter referred to as "the said Court," which shall be composed of a President and two Assessors, with a Secretary, each of whom shall be appointed by the Governor by Government Notice in the

* "London Gazette," March 24, 1893.

British Bechuanaland Government Gazette, and shall hold office during the pleasure of the Governor.

2. Any change in the person of the President, either Assessor, or Secretary, shall be notified in like manner, but the functions of the Secretary may be performed by any person temporarily appointed for that purpose at any time by the said Court or the Governor.

3. The said Court shall have power, jurisdiction, and authority from time to time within such period as the Governor shall fix and determine, and at one or more sittings or adjourned sittings at Vryburg or elsewhere in British Bechuanaland, to inquire into and decide upon the validity and scope of all claims founded upon grants of land or mineral or other concessions alleged to have been before the 5th day of May, 1891, acquired from native Chiefs or other persons in respect of any part of the territory over which, on the said date, Her Majesty's sovereignty was proclaimed by Proclamation No. 106, B.B., 1891, and which now forms portion of British Bechuanaland; and the said Court shall exercise such power, jurisdiction, and authority subject to, and in accordance with, the provisions of this Proclamation, and with any directions or instructions published in manner provided in section 28 hereof, and failing such provisions, directions, and instructions, in accordance with the principles of the Roman-Dutch law as administered in British Bechuanaland.

4. The President and the two Assessors aforesaid shall, for the purposes of this Proclamation, in general, exercise the powers and functions of the Bench of three Judges composing the Supreme Court of the Colony of the Cape of Good Hope, sitting in Cape Town, provided that—

(a.) The decision of a majority shall be the decision of the said Court;

(b.) The President and one Assessor shall form a quorum for the purposes of any decision; and

(c.) The Governor may for the purposes of any particular matter or matters coming before the said Court, appoint specially by Government Notice as aforesaid, any person to act either as President or as an Assessor of the said Court during the Governor's pleasure.

5. The Secretary of the said Court shall have and exercise the powers and functions which are by law, rule of Court, or practice vested in or conferred upon the Registrar of the Supreme Court aforesaid, and shall duly preserve the records of the proceedings of the said Court constituted by this Proclamation.

6. The procedure before the said Court shall be in accordance with the rules of Court and practice established and followed in the

Supreme Court aforesaid, so far as applicable, subject always to the provisions of this Proclamation, to such rules as may be framed and published in manner provided in section 10 hereof, and to the decisions of the said Court hereby constituted upon all matters of practice arising in the course of any matter coming before the said Court under this Proclamation.

7. Within a time to be fixed by Government Notice in the Gazette aforesaid, which Notice shall likewise be published in the Government Gazette of the Colony of the Cape of Good Hope, all such claims as aforesaid shall be filed with the Secretary of the said Court or any person appointed by the Governor for the purpose, and every claim shall be set forth in a document to be styled the claimant's declaration, to which document shall be annexed such other documents as the claimant relies upon in support of his claim, or notarial copies thereof; provided that the filing of such notarial copies shall in no case be deemed to render unnecessary the due production, at the inquiry into or trial of any claim, of the original document or documents so relied upon.

8. No claim not duly filed within the time fixed as aforesaid, or such extended time as may be allowed by further Government Notice, shall be admitted to be filed, nor shall any such claim be thereafter entitled in any manner to recognition as of any legal validity in British Bechuanaland or elsewhere; provided that by special authority in writing from the Governor, a claim may be admitted to be filed for inquiry and decision by the said Court, notwithstanding the lapse of the period or periods fixed or allowed as aforesaid.

9. The Government of British Bechuanaland shall be deemed to be a party in respect of every matter coming before the said Court for inquiry and decision, and may, by counsel or attorney, intervene, plead, lead evidence, and generally do all such things as would be competent to a party to a civil suit; but the said Court shall in no case direct that costs of any claimant occasioned by opposition or other proceeding duly authorized by the Government shall be paid by the Government, unless it shall appear that such opposition or other proceeding is vexatious or frivolous.

10. Any person interested in supporting or opposing any claim in whole or in part may, with the leave of the said Court, in like manner either in person or by counsel or attorney intervene, plead, lead evidence, and generally do all such things as would be competent to a party to a civil suit, and the said Court shall, in inquiring into or deciding upon any claim, afford sufficient opportunity to all such persons to take advantage of the provisions of this section, and for that purpose, and generally for the purposes of this Proclamation, the said Court may frame such rules of procedure and practice

as it may deem expedient, which shall be of full legal force and effect upon approval by the Governor and publication in the British Bechuanaland Government Gazette.

11. Notice of any claim founded upon an alleged grant by, or concession from, any native Chief shall be given to such Chief or his successor by the Secretary of the said Court in full time to permit such Chief or his successor to take advantage of the provisions of the last preceding section, and such notice shall be given either by personal service or by publication in the said Government Gazette as the President of the said Court shall direct.

12. At the request of the claimant, any party or any interested native Chief or other person, the Secretary, with the authority of the said Court or the President, or either Assessor thereof, may grant, and the said Court or the President or either Assessor thereof may, in the interests of justice, direct the Secretary to issue subpœnas or summonses, calling upon any person therein named to appear upon a day and at a place therein appointed, and to testify before the Court concerning any matter in issue as the subject of inquiry, and every person shall be bound and obliged to conform to and obey any such subpœna or summons, or any other competent order of the said Court duly served, whether such subpœna, summons, or order be granted or issued for the purpose of calling such person to give evidence, or for the furtherance of any other purpose within the scope of the power, jurisdiction, and authority conferred upon the said Court; and for default of obedience to any such subpœna, summons, or order the penalty shall be such as the Supreme Court aforesaid might in like case by attachment, fine, imprisonment, or otherwise direct and impose.

13. Evidence in connection with any matter coming before the said Court may be taken before the President, or at least one Assessor with the Secretary, or some person appointed to act as Secretary, and for this purpose the President or such Assessor or Assessors shall form a quorum of the said Court with all the power, jurisdiction, and authority hereby conferred, save and except that of finally deciding upon such matter otherwise than in accordance with section 4 hereof.

14. The said Court shall have power to administer an oath to any witness, but may in its discretion admit affidavits or take oral statements in lieu of evidence upon oath from any witness; but all witnesses, whether testifying upon oath or not, shall be liable for false testimony to prosecution before any competent Court in British Bechuanaland, and, on conviction, to the punishment provided for the crime of perjury.

15. The proceedings of the said Court shall be open to the public unless the said Court shall otherwise direct, and notes of the

evidence given in connection with any claim shall be duly recorded and preserved.

16. The said Court shall have power to punish summarily any person who shall commit contempt of Court, and to issue a warrant for the arrest of any person whom the said Court may suspect of having committed the crime of perjury as aforesaid, or of being guilty of any fraud, forgery, conspiracy, or attempt to commit any of the said crimes, or generally of any crime in connection with any matter coming before the said Court, and any person so arrested may be brought to trial or otherwise dealt with according to law by any Court of competent jurisdiction in British Bechuanaland.

17. Appeals shall lie from final judgments or orders of the said Court to Her Majesty's Privy Council in like cases and manner, and subject to the like legal provisions, rules of Court, and practice which are in force and observed in connection with appeals from the final judgments or orders of the Supreme Court aforesaid.

Provided that no leave to appeal shall be granted—

(a.) Unless within one fortnight from the date of any judgment or order a petition for leave to appeal be filed with the Secretary of the said Court ;

(b.) Save with the concurrence of the President of the said Court, who shall have jurisdiction to determine in every such petition without any assessor.

And provided further that—

(1.) If within three calendar months from the date of any final judgment or order no leave to appeal shall have been obtained either from the said Court, with the concurrence of the President, from the President thereof, or from Her Majesty's Privy Council ; or

(2.) If in case leave to appeal shall have been obtained, such appeal be either withdrawn, lapse by default at any stage, or be determined otherwise than by the final judgment or order of Her Majesty's Privy Council.

Every final judgment or order shall be deemed and taken to be and become *ipso facto* absolute, and titles or rights recognized or conferred thereby shall be and become indefeasible, subject to the provisions of this Proclamation.

18. The decision of the said Court shall not affect any land lying beyond the boundaries of British Bechuanaland to which any claim founded on an alleged grant or concession may extend.

19. The said Court shall have special power to adjudicate upon—

(a.) The alleged rights of sovereignty in Willem Chrestian or Christian, Chief of the Bondelswartz natives, and his alleged rights and powers to grant land or make concessions in respect of any portion of the district of Mier ;

(*b.*) The alleged rights of sovereignty of David Philander, and his alleged rights and powers to grant land or make concessions in respect of the country occupied by him and the people under him;

(*c.*) The alleged rights of sovereignty and the alleged rights and powers of the Bakalahari Chief Depullho, of Lohututu, to grant land or make concessions in any part of the district of Mier.

20. No grants of land or concessions shall be valid—

(1.) If found to have been made by any Chief without the express consent or concurrence of his Council ;

(2.) If made by any Chief with relation to land in the possession of another Chief or his people without the express consent or concurrence of the latter Chief and his Council ;

(3.) If found to have been obtained by fraudulent or other improper means, or without adequate valuable consideration ;

(4.) If the said Court shall find that any of the terms or conditions upon which such grant or concession was made has not been duly and satisfactorily performed ;

(5.) If the said Court shall not be satisfied of the authenticity of the document or documents of grant or concession relied upon, or that the grantee or cedent Chief or person well understood the nature and terms of the grant or concession ; or

(6.) If the said Court shall find that the recognition of its validity would render impossible the establishment at any place of a suitable reserve for natives in accordance with the law of British Bechuanaland.

21. No condition in any grant or concession shall be valid—

(1.) Which purports to confer exemption from taxation or from the law now or hereafter in force in British Bechuanaland ; or

(2.) Which is found by the said Court to be calculated to confer or create—

(*a.*) Any monopoly ; or

(*b.*) Any sole and exclusive right of trading or carrying on any commercial operation or undertaking ; or

(*c.*) Any sole and exclusive right of carrying on any industrial or manufacturing operation, or any chemical operation concerning the winning or recovery of precious metals, or the reduction of refractory ores ; or

(3.) Which beyond reasonable or within vague or ill-defined limits confers sole or exclusive rights to precious stones or minerals ;

Provided that the said Court may in its judgment and discretion define reasonable limits within which any such last-mentioned condition may be recognized as valid.

22. Any land, a grant or concession of which in ownership is

found to be valid by the said Court, shall be deemed to be acquired subject to—

(a.) An annual quit rent, being not less than the amount which would be payable if such land were situated within the district of Gordonia, redeemable at twenty years' purchase;

(b.) Such terms, conditions, or servitudes as are usually inserted in grants on perpetual quit rent in accordance with the law and practice prevailing in British Bechuanaland.

Provided that the reservation of the right of the Crown to precious stones and minerals shall not be included in the title of any land which the said Court may by its decision under this Proclamation award in ownership to any claimant who shall establish a sole and exclusive right to precious stones or minerals within such reasonable limits as aforesaid as may be defined by such decision.

23. The said Court in its discretion shall have full power to reduce claims founded on alleged grants or concessions which shall be found to be immoderate or unreasonable, and may by its decisions modify the terms, conditions, or scope of any grant or concession, or may impose equitable limitations, restrictions, or conditions upon the exercise of any grant or concession, provided that the powers conferred by this section shall, so far as possible, be exercised in any manner not inconsistent with the law of British Bechuanaland.

24. Before any title be issued to any land, a grant of which is affirmed by any judgment of the said Court, and before any rights of possession can be claimed under any judgment in respect of any land affected by any grant or concession, whether of ownership or of any lesser right to such land, such land shall be surveyed by some duly qualified surveyor, whose work must be submitted for the approval of the Surveyor-General, and the cost of such survey shall be paid by the person, persons, or Company claiming to be entitled under such judgment.

25. No decision affirming any right or privilege in respect of land short of a right of ownership shall be deemed to exempt the holder at any time of such right or privilege from such laws as may be made hereafter regulating the exercise thereof.

26. The fees of office and Court fees to be taken from claimants or other parties interested and appearing in connection with any matter coming before the said Court shall be the same as those which would in like case or matter be taken in the Supreme Court aforesaid, provided that the said Court hereby constituted may, in any case not provided for, decide the fee to be taken in such and all similar cases.

27. The costs of proceedings before the said Court shall be

liable to taxation in manner provided by the rules and practice of the Supreme Court aforesaid, and upon the same scale or tariff, unless the said Court hereby constituted shall otherwise decide or determine by rules framed under the powers conferred upon it by section 10 hereof, and the Secretary of the said Court shall be the Taxing Officer.

28. The Governor may from time to time, by Government Notice in the British Bechuanaland Government Gazette, issue directions or instructions to the said Court as occasion may require, and every such direction or instruction shall, from the date of such publication, be of like force and effect as though here enacted, and may relate as well to claims then already filed or inquiries or matters then already proceeding as to claims filed or inquiries or matters proceeding subsequent to the date of such notice.

God save the Queen!

Given under my hand and seal, this 1st day of February, 1893.

HENRY B. LOCH, *Governor of British Bechuanaland*.

By command of his Excellency the Governor of British Bechuanaland.

GRAHAM BOWER, *Imperial Secretary*.

NOTIFICATION issued by the High Commissioner for South Africa, respecting the Commission to inquire into alleged Concessions in the Bechuanaland Protectorate.—Vryburg, February 3, 1893.†*

The Concession Commission for the Bechuanaland Protectorate.

WHEREAS his Excellency the High Commissioner has been pleased to appoint a Commission to inquire into and report upon certain alleged land grants and mineral and other concessions claimed in the Bechuanaland Protectorate :

Notice is hereby given that all claims to such alleged land grants and mineral and other concessions must be filed with the Secretary of the said Commission at his office at Vryburg, British Bechuanaland, on or before the 1st May, 1893.

Every claim must be set forth in a document, to which shall be annexed such other original documents (and one set of copies of the same) as the claimant relies upon in support of his claim, or notarial

* See Proclamation of January 10, 1893, page 1191.

† "London Gazette," March 14, 1893.

copies of such original document, and one set of copies of such notarial copies. Provided that the filing of such notarial copies shall in no case be deemed to render unnecessary the due production at the inquiry into any claim of the original document or documents.

Vryburg, February 3, 1893.

J. A. ASHBURNHAM, *Secretary*.

*NOTIFICATION issued by the High Commissioner for South Africa, respecting the Commission to inquire into alleged Concessions in the Bechuanaland Protectorate.—Vryburg, February 8, 1893.**

The Concession Commission for the Bechuanaland Protectorate.

It is hereby notified that the first public sitting of the above Commission will take place at Gaberone's, in the Bechuanaland Protectorate, on Wednesday, the 10th May, 1893, for the purpose of inquiring into claims to alleged land grants and mineral and other concessions in the Bechuanaland Protectorate which shall have been duly filed with the Secretary in terms of Notice No. 1 of the 3rd instant.

Vryburg, February 8, 1893.

J. A. ASHBURNHAM, *Secretary*.

NOTIFICATION issued by the High Commissioner for South Africa, respecting the Commission to inquire into alleged Concessions in the Bechuanaland Protectorate.—Vryburg, March 6, 1893.†

The Concession Commission for the Bechuanaland Protectorate.

WITH reference to previous notices, the following definition of the territories over which the above Commission has jurisdiction are published for the information of all concerned:—

(a.) The territories lying between the Crown Colony of British Bechuanaland, the 22nd parallel of south latitude, and the Macloutsie River.

* "London Gazette," March 24, 1893.

† "London Gazette," May 5, 1893.

(*b.*) The territory known as the disputed territory lying between the Shashi and Macloutsie Rivers, excepting the area included in the Tuli district.

(*c.*) Such territories north of the 22nd parallel of south latitude as belong to the Chief Khama, of the Bamangwato.

(*d.*) Such territories lying to the north and the west of the territories of the Chief Khama as do not belong to the Chief Lobengula.

Vryburg, March 6, 1893.

J. A. ASHBURNHAM, *Secretary*.

*BRITISH NOTIFICATION, respecting the Niger Coast
Protectorate.—London, May 13, 1893.**

Foreign Office, May 13, 1893.

WITH reference to the notification in the "London Gazette" of the 18th October, 1887,† respecting the British Protectorate of the Niger districts, and to certain agreements entered into between the British and German Governments, it is hereby notified, for public information, that the portion of the Protectorate under the administration of Her Majesty's Commissioner and Consul-General will, from the date of this notification, form a separate Protectorate, under the name of the "Niger Coast Protectorate," and will cease to be known as the "Oil Rivers Protectorate."

The eastern limit of the line of coast of the Niger Coast Protectorate is defined in the Agreement between the British and German Governments of the 14th April, 1893.‡

*CONSTITUTION of the United States of Venezuela.—
Caracas, June 21, 1893.*

(Translation.)

WE, the Representatives of the people of Venezuela, having met together by virtue of the convocation contained in the Decree of the 1st January last, in Constitutional Assembly, invoking the favour and inspiration of the Supreme Law-giver of the Universe, have decreed the following Constitution of the United States of Venezuela:—

* "London Gazette," May 16, 1893.

† Vol. LXXVIII, page 42.

‡ Page 38.

TITLE I.—*Of the Nation and its Territory.*

ART. 1. The States of Los Andes, Bermudez, Bolivar, Carabobo, Falcon, Lara, Miranda, Zamora, and Zulia continue united and form the nation under the denomination of the United States of Venezuela.

2. The boundaries of these States will be determined in conformity with the limits fixed for the old provinces by the Law of the 28th April, 1856, which settled the last territorial division with the exception of the old Department of Nirgua, which forms part of the State of Carabobo.

3. The territory of the United States of Venezuela is the same as constituted in the year 1810 the Captaincy-General of Venezuela.

4. The States to which Article 1 of this Constitution refers retain the faculty of uniting themselves in groups of two or more, in order to form one single State, with the agreement always of their respective Legislative Assemblies: the States declared independent by the Constitution of the 28th March, 1864,* and converted into sections by that of the 27th April, 1881,† have the right to recover the character of States should there be a demand to that effect by the Representatives in the Legislative Assembly of two-thirds of the districts of any one of such States, and should the population exceed 100,000 inhabitants. If such limit of population does not exist a demand may be made, in the same form, for the separation from one, and annexation to another, State, provided that that from which it separates itself remains on the basis required of 100,000 inhabitants. In either case it will take a share in the Congress, the National Executive, and the other States of the Federation. The procedure will be determined by law.

TITLE II.—*Of the Venezuelans.*

5. Venezuelans are such either by birth or by naturalization.

(a.) The following are Venezuelans by birth:—

(1.) All persons who have been or may be born in the territory of Venezuela, whatever may be the nationality of their parents.

(2.) The children of a Venezuelan father or mother by birth, who may have been born abroad, if in the event of their being domiciled in the country they shall declare before the competent authority their wish to become so.

(3.) The legitimate children who may be born abroad or at sea of a Venezuelan father who may be residing or travelling in the discharge of a Diplomatic Mission, or who may be employed in a Legation of the Republic.

* Vol. LVII, page 471.

† Vol. LXXII, page 977.

(b.) Venezuelans by naturalization are—

(1.) The children of a naturalized Venezuelan father or mother, born without the territory of the Republic, if they take up their domicile in the country and declare their wish to become Venezuelans.

(2.) Persons born in the Spanish-American Republics or in the Spanish Antilles who may have fixed their residences in the territory of the Republic and have manifested their desire to be Venezuelans.

(3.) Foreigners who may have obtained letters of naturalization or of citizenship, in conformity with the laws.

6. All Venezuelans of the male sex and over 21 years of age are eligible for public appointments, except in the cases excluded by this Constitution.

7. All Venezuelans are under the obligation to serve the nation in conformity with the dispositions of the law, sacrificing their property and their lives if necessary in its defence.

8. Venezuelans enjoy in all the States of the Republic and in the Federal district the same rights and have the same duties as the natives domiciled therein.

9. Foreigners enjoy all civil rights in common with the nationals, and may make use of them to the same extent, in the same form and manner of proceeding, and in the same cases, on absolutely the same terms as the nationals.

10. The nation shall not hold or recognize, as regards foreigners, any obligations or responsibilities other than those which in similar cases have been established as regards the nationals by the Constitution and the laws.

11. The Government of Venezuela shall not conclude with other nations any kind of Treaties unless they recognize the principles laid down in the two preceding Articles.

12. The law shall determine the rights and duties of foreigners not domiciled.

TITLE III.—*Bases of the Union.*

13. The States which form the Venezuelan Union are autonomous, and have equality as political entities. They agree—

(1.) To organize themselves in accordance with the principles of a popular, elective, federal, representative, alternative, and responsible Government.

(2.) To recognize in their respective Constitutions the autonomy of the Municipality and the independence of the same of the political power of the State in all that concerns its economical and administrative regimen.

(3.) To defend themselves against violence threatening their independence or the integrity of the nation.

(4.) Not to alienate to a foreign Power any portion of their territory, nor to ask its protection. The States will not establish or cultivate political relations with other nations.

(5.) Not to join themselves to nor to ally themselves with any other nation, nor to separate themselves from Venezuela to the diminution of the national existence or territory of the latter.

(6.) To cede to the nation, for the Federal district, unpopulated land not exceeding 100 square kilom. in extent, upon which will be built the capital city of the Union. For the present the said district shall be the city of Carácas, with its parishes of El Recreo, El Valle, La Vega, Antimano, Macarao, and Macuto.

(7.) To cede to the Government of the nation the territory necessary for the erection of fortresses, magazines, workshops, and other buildings indispensable to the general administration, which shall exercise ownership over the ceded territory subject to the restrictions imposed by Article 131 of this Constitution.

(8.) To relinquish to the Government of the Union the free administration of the Colon and Amazonas territories. The Delta and Goagira territories shall be reincorporated with the States to which they belonged prior to their being erected into territories.

(9.) To reserve to the General Power all jurisdiction, legislative and executive, in all that relates to maritime, coasting, and river navigation, as well as the national roads. By the latter shall be understood those which cross the frontiers of a State and lead into another State or into the Federal district.

(10.) Not to restrict by taxation the navigation of the rivers and other navigable waters which have not required artificial canalization.

(11.) Not to subject to taxation, before being offered for consumption, the products or articles that have already been taxed for national purposes or that have been exempted from such taxation by law.

(12.) Not to impose contributions upon cattle, goods, or any kind of merchandize in transit for another State.

(13.) Not to prohibit the consumption of cattle, goods, and other produce of other States, nor to burden such consumption with taxes greater or less than those paid by local produce.

(14.) Not to establish custom-houses, for the collection of taxes upon imports, other than those possessed by the nation.

(15.) To reserve to each State the right to dispose of its natural products.

(16.) To cede to the Government of the Union the administration of mines, salt works, and waste lands in order that the first two may be regulated by a uniform and beneficial system of working, and that the last shall be applied, preferentially, to the development of national industries.

(17.) To respect the property, arsenals, and fortresses of the nation.

(18.) To execute and cause to be executed and enforced the Constitution and Laws of the Union and the Decrees and Orders issued by the National Powers in the exercise of their lawful attributes and faculties.

(19.) To fully attest and cause to be carried into effect the public acts and judicial proceedings of other States.

(20.) To organize their Tribunals and Courts of Law for the complete administration of justice, and to maintain for all a similar substantive, civil, commercial, and penal code, and similar laws regulating civil and criminal procedure.

(21.) To send to Congress, through the Legislative Assembly, the nomination of principal and deputy members of the High Federal Court, and to elect members for the Court of Cassation.

(22.) To submit to the decisions of the Court of Cassation as the Supreme Tribunal of the States.

(23.) To include extradition as a political principle in their respective Constitutions.

(24.) To establish in popular elections direct and secret suffrage.

(25.) To establish free and compulsory primary education, and free instruction in the arts and sciences.

(26.) To reserve to the powers of the Union the right to dictate the Code of National Public Instruction.

(27.) To provide the unarmed contingent, in the proper proportions, for the formation of the national public force in time of peace, in accordance with the annual Decree of the National Congress.

(28.) Not to permit in the States the enlistment or levy of forces which have or may have for their object an attack upon the liberty or independence, or a disturbance of public order of the nation, of other States, or of other countries.

(29.) Not to declare or make war in any case, one State against another, and to preserve strict neutrality in all conflicts which may arise between other States.

(30.) To refer and submit to the decision of the High Federal Court all differences which may arise between two or more States when they are unable by themselves, and by peaceful means, to arrive at an understanding. If, for any reason, in a case for settlement by arbitration they should not appoint an Arbitrator to whose decision they agree to defer, the decision shall rest with the High Federal Court.

(31.) To recognize the competency of the Court of Cassation for the trial of persons exercising superior executive authority in the States who may be accused of treason or violation of the Constitution and the laws of the Union. This principle shall

be included in the Constitutions of the States. The procedure in these cases shall be in conformity with that established by the general laws, and shall be decided in accordance with the same.

(32.) To receive as the revenue of the States:—

(a.) The total produced by the transit tax levied in the custom-houses of the Republic;

(b.) The total produce of the mines, unoccupied lands, and salt works administered by the Federal Power.

(33.) To distribute their income periodically among all the States of the Federation in proportion to the population of each

(34.) If any of the taxes, to which Article 32 refers, should be abolished or reduced by law, it shall be the duty of the Congress to establish the means by which such deficit shall be made good to the States.

(35.) To keep at a distance from the frontiers such persons as, for political motives, have sought asylum in one State, whenever the interested State shall so request.

(36.) Not to coin money or issue paper currency, nor to legalize anything for the payment of debts except money of gold or silver.

TITLE IV.—*The Rights of Venezuelans.*

14. The nation guarantees to Venezuelans the following effective rights:—

(1.) Inviolability of life, capital punishment being abolished, whatever law may have established the same.

(2.) Property, with all its powers, rights, and privileges. It will be subject only to the imports established by the Legislative authority, and may be seized only for works of public utility and after compensation has been judicially awarded.

(3.) Inviolability of correspondence and other private papers which may not be interfered with except under the order of the competent judicial authority and the formalities established by law: domestic and private secrecy shall, however, be always guarded.

(4.) Inviolability of domicile, which may not be entered except to prevent the perpetration of an offence, and even then must be carried out in conformity with the law.

(5.) Personal liberty, and therefore:—

(i.) Forced recruiting for military service is abolished;

(ii.) Slavery is proscribed for ever;

(iii.) Slaves who set foot on Venezuelan territory are free;

(iv.) All have the right to do or execute anything not to the detriment of another;

(v.) No one is obliged to do that which is not ordered by law,

nor hindered from doing that which is not forbidden by the same.

(6.) The free expression of thought by word or through the press. In cases of slander or injury, the aggrieved person may take the necessary proceedings before the competent Courts of Justice in accordance with the common law, but the defendant may not be detained or confined in any case except after conviction and sentence by a competent Tribunal.

(7.) Freedom to travel without a passport, of changing domicile, legal formalities being duly observed, and of absenting oneself from and returning to the Republic, taking away and bringing back one's property and effects.

(8.) Freedom of industry, and, therefore, proprietorship in inventions and discoveries. Owners of such shall by law be granted temporary privileges, and shall be compensated in the event of their agreeing to make public their inventions.

(9.) Liberty of meeting and association in public or private without arms: the authorities shall not exercise any act of inspection or interference.

(10.) Right of petition and the power of obtaining redress. The matter may be brought before any official, authority, or corporation. Should the petition be made by more than one individual, the first five shall be answerable for the authenticity of the signatures, and all shall be responsible for the truth of the facts.

(11.) Freedom of suffrage without any other restriction than being below the age of 21 years, or the interdiction declared by Executive sentence by the competent Courts.

(12.) Liberty of instruction, which shall be protected to its fullest extent. The public authority shall be obliged to establish free education, both primary and in the arts and sciences.

(13.) Religious liberty.

(14.) Individual security, and by that—

(i.) No Venezuelan may be imprisoned or forcibly arrested for debts which do not result from fraud or crime ;

(ii.) Nor may be compelled to receive in his house troops, whether billeted or quartered ;

(iii.) Nor shall he be tried by special Tribunals or Commissions, but by the usual Judges and by virtue of laws enacted previous to the commission of the offence or action to be tried ;

(iv.) Nor shall he be imprisoned or arrested except after a summary inquiry showing that he has committed a punishable offence, and upon a written warrant of the official ordering the arrest, the motive for the same being stated; exception shall, however, be made when the individual is taken in the act, but even in that case he shall not be put in prison except by order of the

judicial authorities, nor shall those arrested by the police be detained more than three days without being either set at liberty or carried before the competent Judge;

(v.) He shall not be cut off from communicating with his fellow-citizens for any reason or pretext;

(vi.) He shall not be compelled to make oath nor to submit to cross-examination in a criminal case implicating either himself, his relations within the fourth degree of consanguinity or the second of affinity, or his wife;

(vii.) Nor shall he be condemned to suffer any penalty in a criminal matter except after having been legally heard;

(viii.) Nor shall he be kept in prison if the causes for the same have been removed;

(ix.) Nor sentenced to penal servitude for more than ten years;

(x.) Nor to be deprived of his liberty for political reasons except upon previous summary investigation, the result of which shall prove that he has been implicated in public disturbances, and show that he is inimical to the restoration of order. In such cases he shall not be immured in the same prison as criminals confined for common offences, nor shall he be detained once order has been re-established;

(xi.) He shall not be tried a second time for the same offence, nor condemned to suffer any kind of torture;

(xii.) All infamous punishments remain abolished by whatever law they may have been established.

(15.) Equality, in virtue of which—

(i.) All shall be tried by the same laws, and shall be subject to equal duties, obligations, and contributions;

(ii.) There shall not be granted titles of nobility, honours, or hereditary distinctions, or employments or offices the salary or emoluments of which are in excess of the period of service;

(iii.) Officials and Magistrates shall not be addressed in any other style than "Ciudadano" and "Usted."

15. The preceding enumeration does not restrict the States from exercising the faculty of granting other rights to their inhabitants.

16. Those persons who shall issue, sign, execute, or order to be executed, Decrees, Orders, or Resolutions which violate any of the rights guaranteed to Venezuelans are held to be guilty, and shall be punished in conformity with the laws. Any citizen is free to make an accusation against such persons, and the right to proceed against them shall endure for five years.

17. The rights acknowledged and laid down in the preceding Articles shall neither be diminished nor altered by the laws

regulating their exercise; those laws which do so shall be held to be unconstitutional and shall be of no effect.

*TITLE V.—Of the Congress of the United States of Venezuela,
its Composition and Attributes.*

Section 1.—Of the Composition of Congress.

18. The Congress of the United States of Venezuela shall be composed of two Chambers, one of Senators, the other of Deputies

19. The States have the competency to regulate the mode of election of Deputies.

Section 2.—Of the Chamber of Deputies.

20. In order to form the Chamber of Deputies each State shall elect one Deputy for every 35,000 inhabitants, and one other for any excess not less than 15,000. Substitute Deputies shall likewise be elected equal in number to the Deputies, and to be substituted for them in the order of their election.

21. In order to be a Deputy it is necessary to be a Venezuelan by birth.

22. The election of Deputies and Substitute Deputies is popular, and shall be carried out in conformity with paragraph 24 of Article 13 of this Constitution.

23 The Federal district, as provided for by paragraph 6 of Article 13 of this Constitution, shall likewise elect its Deputies in accordance with the same rules as laid down for the States.

24 The Deputies shall hold their office for four years, and shall be renewed in full.

Sole paragraph.—When through death or from any other cause the representation of a State is reduced to less than its proper number, it will proceed, in conformity with the law, to hold an election to fill up the vacancies that have occurred for such time as may be required to complete its period. In this case the Substitute Deputies remaining from the first election shall be held to be Principal Deputies.

25. The Chamber of Deputies has the following attributes:—

(1.) To examine the Annual Report to be presented by the President of the United States of Venezuela.

(2.) To elect every two years, within the first fifteen days of its Sessions, the Attorney-General of the nation, and two substitutes, by an absolute majority of votes, in successive ballots. These shall make a legal declaration before the High Federal Court, promising

to enter upon the exercise of their functions in the manner determined by law.

(3.) To pronounce a vote of censure upon the Ministers of State, who, *ipso facto*, vacate their office.

Section 3.—*Of the Senate.*

26. To form this Chamber the Legislative Body of each State shall elect three principal Senators, as also three substitutes to fill up vacancies among the former in the order of their election.

27. In the event of death, resignation accepted by the Chamber, or of any other cause, the total number of Principal and Substitute Senators of a State is reduced, the Legislative Assembly shall proceed to hold elections, for the remainder of its Constitutional period, to complete the number referred to in Article 26; the substitutes elected at the first election shall, in their proper order, be held to be principals.

28. To be a Senator it is necessary to be a Venezuelan by birth and to be 30 years of age.

29. The Senators shall hold office for four years, and shall be renewed in full.

Section 4.—*Dispositions common to both Chambers.*

30. The Legislative Chambers shall assemble every year in the capital of the Union on the 20th February, or as nearly as possible on that date, without being specially convoked. The Sessions shall last seventy days, but may be prolonged to ninety days if so decided by the majority.

31. The Chambers shall open their Sessions with at least two-thirds of their members; in default of that number those present shall form a Preparatory Commission, and dictate the measures required to bring up the absent members.

32. Once opened, the Sessions may continue with the presence of two-thirds of those who took part at the installation, with the proviso that such number does not fall below one-half of the total number of members.

33. Although the two Chambers shall discharge their functions separately, they shall unite in Congress when prescribed by the Constitution or the laws, or when either of the two Chambers shall deem it necessary. If agreed to, the Chamber invited shall fix the day and hour of the assembly.

34. The Sessions shall be public, but the deliberations may be held in secret if the Chamber so directs.

35. The Chambers have the right—

(1.) Of framing rules to be observed in their Sessions, and for the regulation of debates.

(2.) Of inflicting penalties upon offenders.

(3.) Of establishing a police for the building in which their Sessions are held.

(4.) Of reproofing or punishing spectators who fail to observe order.

(5.) Of removing those obstacles which may interfere with the free exercise of their functions.

(6.) Of ordering their private Resolutions to be carried out.

(7.) Of confirming the election of their members and of receiving their resignations.

36. The two Chambers shall discharge their functions in the same city, shall open and close their Sessions each on the same day, and neither shall have the power to suspend its sittings or to change its residence without the consent of the other. In case of a divergence of opinion, the will of the majority assembled in Congress shall be carried out.

37. The exercise of any public function, whether national or under any of the States, is incompatible, during the Session, with the office of Senator or Deputy.

38. The amount of compensation to be received by Senators and Deputies for their services shall be determined by law. No increase to the same shall, however, take effect until the period following that in which such increase has been sanctioned.

39. Senators and Deputies, from the 20th January of each year until the termination of thirty days after the close of the Sessions, shall enjoy personal inviolability. This shall consist of the suspension of all civil or criminal proceedings, whatever may be their origin or nature. If any member should commit any penal offence the investigation may continue until the termination of the summary proceedings, but nothing further shall be done during the period of immunity.

40. The Chambers shall not, in any case, be liable to any of their members whose immunity established by the preceding Article has been violated. The magistrates, authorities, and corporations, and their agents, who deprive a Senator or Deputy of his liberty during the enjoyment of immunity may be prosecuted before the Court of Cassation or the High Federal Court according to circumstances, and may be condemned to loss of office, with inability to exercise any public employment, either national or under the States, for a period of four years, and shall be responsible for the damages involved. The right of prosecution shall not expire until after the lapse of five years.

41. Congress shall be presided over by the President of the Senate, and the President of the Chamber of Deputies shall be Vice-President.

42. Members of the Chambers shall not be responsible for the opinions expressed nor the speeches made by them.

43. Senators and Deputies may not conclude with the National Executive contracts of any kind whatsoever, nor may they support before it the claims of others.

Section 5.—*Of the Attributes of Congress of the United States of Venezuela.*

44. The Congress of the United States of Venezuela has the following attributes :—

(1.) To establish and organize the Federal District at the place ceded by the States for that purpose.

(2.) To decree national taxes and to organize all matters relating to the Customs.

(3.) To settle all questions relating to the working and security of the ports and the maritime and river coasts.

(4.) To establish and organize the national posts and telegraphs, and to fix the charges for the carriage of correspondence and the transmission of telegraphic messages.

(5.) To sanction the national Codes of law in accordance with paragraph 20 of Article 13 of this Constitution.

(6.) To fix the type, value, alloy, weight, and mintage of the national currency, and to decide upon the admission and circulation of foreign money.

(7.) To design the coat-of-arms and national flag, which shall be the same for the nation and for all the States.

(8.) To create, suppress, and grant funds for national appointments.

(9.) To have the exclusive settlement of all that relates to the National Debt and its interest.

(10.) To decree loans on the national credit.

(11.) To dictate the measures necessary to perfect the system of national statistics and of the census of the population. This shall be carried out every ten years.

(12.) To fix annually the numbers of the armed land and naval forces, and to dictate the army regulations.

(13.) To define rules for the formation and replacement of the forces referred to in the preceding paragraph.

(14.) To declare war, and to call on the National Executive to negotiate peace.

(15.) To approve or reject Treaties and diplomatic agreements

which, without this proceeding, shall not be valid, neither shall they be ratified nor the ratifications exchanged.

(16.) To approve or reject contracts of national interest concluded by the President of the Union: the same shall not be carried into effect without such approval.

(17.) To prepare the Budget of national revenue and expenditure, which in no case shall be omitted to be voted every year.

(18.) To promote measures conducive to the prosperity of the country, and its progress in the knowledge of arts and sciences.

(19.) To fix and make uniform the national weights and measures.

(20.) To grant amnesties.

(21.) To establish the special administrative control applicable to the territories of Colon and Amazonas.

(22.) To establish the increase which may be necessary in the ratio of inhabitants for the election of Deputies.

(23.) To permit or refuse the admission of foreigners to the service of the Republic.

(24.) To dictate laws respecting the retirement and pensioning of military men.

(25.) To issue the law for the elections of President of the Republic and of the Deputies for the Federal District and National Congress.

(26.) To define the law relating to the responsibility of all public officials, whether of the nation or the States, for infractions of this Constitution and of the general laws of the Union.

(27.) To settle the method of conferring grades and promotions in the army, and to grant such grades from the rank of "Commandants" upwards.

45. Besides what is enumerated previously, the National Congress may issue laws of a general character whenever necessary.

46. The acts sanctioned by the Legislative Chambers of Venezuela discharging their functions separately as co-legislative bodies shall be denominated "Laws" or "Decrees"; and those sanctioned by the Chambers united in Congress, or separated for private reasons of either, shall be called "Resolutions" ("Acuerdos").

Section 6.—*Of the Formation of the Laws.*

47. The Laws and Decrees of Congress may be initiated in either of the Chambers and in the manner ordered by their respective regulations.

48. When a Bill shall have been presented it shall be read, and it will then be taken into consideration whether the Bill shall be admitted; if it is accepted it shall be discussed on three separate

occasions, with an interval of at least a day between each, the rules for debate being duly observed.

49. Bills approved in the Chamber in which they originated shall be passed on to the other for the purposes specified in the preceding Article, and, if not negatived; shall pass back to the Chamber in which they originated with such amendments as they may have undergone.

50. If the Chamber originating the Bill should not admit the amendments, they may insist upon their objections and may send in writing to the other Chamber their reasons for the same. They may then invite the other to unite with them in Congress, and may resolve in a General Committee to seek for a mode of agreement. If, however, that is not brought about, the Bill will remain without effect even if the Chamber of origin resolves, separately, to confirm its insistence upon its objections.

51. On the passage of the Bills from one Chamber to another, the days on which they have been discussed shall be indicated.

52. The Law which reforms any other Law shall be enacted as a whole, and the preceding Law shall be abrogated in full.

53. The following formula shall be used in all laws :—

“The Congress of the United States of Venezuela”
“decrees.”

54. Bills rejected in the Sessions of one year may not be brought forward again until the Sessions of a subsequent year.

55. Bills standing over in a Chamber at the end of its Sessions shall be subjected to the necessary three discussions in the Sessions following.

56. Laws may be abrogated with the same formalities as are applicable to their being sanctioned.

57. Laws need not be observed except after being published with due solemnity.

58. The faculty held by Congress of sanctioning laws may not be delegated.

59. No legislative act shall have retroactive effect except in matters of judicial procedure, in which case the lowest penalty only shall be inflicted.

TITLE VI.—*Of the General Administration of the Union.*

Section 1.—*Of the National Executive.*

60. All matters relating to the general administration of the nation which are not defined by this Constitution as being within the powers of any other authority are in the competency of the National Executive. The latter shall be exercised by a Magistrate

with the title of President of the United States of Venezuela in conjunction with the Ministers of Departments, who will be his organs, and with the Council of Government, with all those attributes as are conferred by this Constitution.

61. The functions of the National Executive shall not be exercised outside the Federal District except in the case foreseen by section (v) of paragraph (9) of Article 77 of this Constitution.

62. When the President takes command of the army or absents himself from the Federal District as described in paragraph (7) of Article 77, he shall be replaced in the manner indicated by Article 70.

Section 2.—*Of the President of the United States of Venezuela.*

63. The election of President of the United States of Venezuela shall be made by the citizens of each of the States and of the Federal District by direct and secret ballot. The qualifications for election are to be a Venezuelan by birth and to have completed 30 years of age.

64. On the eighth day of the ordinary Sessions of the Chambers the same shall assemble in Congress, and shall proceed to the scrutiny of the votes for the election of the President of the United States of Venezuela.

If by this time they should not all have been registered, the measures necessary to obtain them shall be decided upon, further proceedings being deferred for forty days if necessary. Once that term has elapsed, the scrutiny shall be carried out of the votes actually registered, it being, however, understood that they shall not be less than two-thirds of the whole. If they should actually fall below that number the case shall be treated as an absolute vacancy in the Presidency, and the procedure shall then be in accordance with Article 72 of this Constitution.

65. The scrutiny having been carried out in accordance with the preceding Article, the citizen who has obtained an absolute majority of votes of the electors shall be declared the elected President. If there should not be an absolute majority, Congress will elect one of the two who have obtained the highest number of votes. In this election the votes shall be taken by States, each State having one vote, and unless there shall be two-thirds of the States, represented by an absolute majority of the total number of Senators and Deputies, the election shall not be carried out. The vote of each State shall be that of an absolute majority of its Senators and Deputies: in the event of equality, the decision shall be taken by lot. The vote of the Deputies for the Federal District shall be computed with those of the State of Miranda.

66. The election of President should be definitely completed in one Session of Congress, and with that object no member shall absent himself without the consent of Congress.

67. If, in the year in which the election of President should take place, fifty days elapse after the 20th February without Congress being installed through the absence of the Constitutional quorum, and the Preparatory Committee of the Senate should find itself with a sufficient number of votes registered to make possible the said election, the citizen presiding over the Committee shall pass on the votes, with the concurrence of the other members, to the High Federal Court, which shall fix one of the four days following that upon which it shall receive the said votes for proceeding to compare them with those received directly from the States, in order to carry out, in public Session, the scrutiny referred to in Article 65. In case of combination, the election shall not take place except in full assembly, when the citizen who obtains the votes of two-thirds of the members shall be declared elected.

68. The President elected in the manner described in the preceding Article shall take the legal oath before the same High Federal Court.

69. If by the 14th April Congress shall not have been installed and the High Federal Court shall not have received the votes registered by the Preparatory Committee of the Senate, it shall proceed forthwith to fix a day to carry out the scrutiny, and shall verify at the same time the votes received directly from the States. If the latter shall be entirely wanting, or either the one or the other shall not be sufficient in number, an absolute vacancy in the Presidency shall be declared.

70. A temporary or absolute vacancy in the Presidency of the Republic shall be filled by the citizen who may be exercising the functions of President of the Council of Government.

71. The President shall remain in office for four years, dating from the 20th February, on which day in the year in which his term of office comes to an end, even if he has not entirely completed his duties, he shall cease to exercise his functions. In the interval between such date and the date upon which the newly-elected President takes office, the Presidency shall be exercised by the citizen who may be President of the Council of Government.

72. If an absolute vacancy in the Presidency of the Republic should occur during the first two years of a Constitutional period, the President of the Council of Government who enters upon the exercise of the functions of President of the Republic shall immediately order elections to be carried out so that such functionary may be nominated for the remainder of the period.

73. The President, even although he may not have been in office

for a full term, may not be elected for the following period. Nor shall be elected President for the next period the citizen who may have discharged the office of President during the last year of the preceding term, nor the relations of either within the fourth degree of consanguinity or the second of affinity.

74. The remuneration of the President or of those who take his place shall be fixed by law, and such remuneration shall not be augmented or diminished during the period in which such law is issued.

75. The President of the United States of Venezuela may be impeached for treason to the country, for infractions of this Constitution and of the laws of the Republic, and for ordinary offences.

Section 3.—*Of the Attributes of the President of the United States of Venezuela.*

76. The attributes of the President of the Union are :—

(1.) To order the execution of the Laws and Decrees of the National Congress within fifteen days of having received them, and to see that they are fulfilled and carried into effect.

(2.) To appoint and remove the Ministers of State.

(3.) To receive and compliment the Public Ministers of other countries.

(4.) To sign the official letters directed to the Sovereigns or Presidents of other States.

(5.) To administer the waste lands, mines, and salt works of the States in conformity with law.

(6.) To convoke the Legislative Chambers for their periodical meetings, and to take care that they assemble upon the date fixed by this Constitution.

(7.) To organize the Federal district according to law, and to administer it as the first civil and political authority.

(8.) To issue navigation warrants to national vessels.

(9.) To give an account to Congress during the first eight days of its annual meeting of all the acts performed by him in the exercise of his attributes.

(10.) To issue letters of nationality in conformity with the law.

(11.) To appoint national officials whose appointments do not rest with other functionaries.

(12.) To remove such officials at his free will, and to order their suspension or commit them for trial should there be grounds for such a course.

(13.) To defend the Federal district when there may be grounds for fearing a foreign invasion.

(14.) To dictate the measures necessary for making a census of the people of the Republic every ten years.

(15.) To negotiate loans decreed by Congress in entire conformity with the dispositions prescribed.

(16.) To look after and protect the collection of the national revenue.

(17.) To discharge the other duties attributed to him by law.

(18.) To promulgate Decrees and Regulations for the better execution of the laws whenever such laws in their text so require it, taking care that the spirit and reason of such law is not altered.

77. Besides the foregoing attributes which are peculiar to the President of the United States of Venezuela, he shall, with the consultative vote of the Council of Government, exercise also the following:—

(1.) To preserve the nation from all external attacks.

(2.) To convoke Congress in Extraordinary Assembly when any matter may be of sufficient gravity to require it.

(3.) To fill up the diplomatic appointments and the posts of Consuls-General and Consuls, the two former being conferred only on Venezuelans by birth.

(4.) To direct diplomatic negotiations and conclude all kinds of Treaties with other nations by means of the Diplomatic Agents of the Republic, submitting such Treaties to the National Congress for its approval.

(5.) To declare war in the name of the Republic when so decreed by Congress.

(6.) To organize the national forces in time of peace.

(7.) To direct warlike operations and to command the army in person, or to nominate some person to do so. He shall, moreover, be able to leave the capital if affairs of public importance so require.

(8.) To grant general or special amnesties.

(9.) In the event of foreign war he shall—

(i.) Require of the States the assistance necessary for the defence of the nation;

(ii.) Levy contributions in advance;

(iii.) Arrest or expel the individuals belonging to the nation against which war is declared if they should be opposed to the defence of the country;

(iv.) Suspend rights the exercise of which would be incompatible with the defence of the Republic, except the inviolability of life;

(v.) Indicate the place to which the General Power of the Union shall be temporarily transferred when there may be grave reasons for the same;

(vi.) Commit for trial for treason to the country any Venezuelans who may in any manner be hostile to the national defence ;

(vii.) Issue letters of marque and reprisals, and indicate the laws to be followed in the matter of prizes.

78. Besides the foregoing attributes, the President of the Republic, with the previous deliberative vote of the Council of Government, shall exercise the following :—

(1.) To make use of the public forces and of the powers indicated in paragraphs (i), (ii), and (v) of section (9) of the foregoing Article, with the object of re-establishing Constitutional order in the event of armed insurrection against the institutions which the Republic has given itself.

(2.) To dispose of the public forces in order to put an end to armed collisions between two or more States, where the interposition of friendly offices has proved inefficacious, and to require such States to lay down their arms and submit their differences to arbitration as required by section (30) of Article 13 of this Constitution.

(3.) To conclude contracts of national importance in accordance with the laws, and to submit the same to Congress for its approval or rejection. Without the latter formality they shall not be able to be put into execution.

(4.) To prohibit the entrance into the national territory, or to expel from it, foreigners who are not domiciled therein, and who may be notoriously prejudicial to public order.

Section 4.—*Of the Council of Government.*

79. There shall be a Council of Government composed of nine members nominated by Congress every four years within the ten days following the verification of the votes for the election of the President of the Republic. In this election the votes will be given by the States, each State holding one vote, represented by an absolute majority of its Senators and Deputies. In case of equality the decision shall be taken by lot. There shall likewise be elected in the same form the supplementary members, who shall, in the order of their election, fill any temporary or absolute vacancy among the principal members.

80. The duration of the term of the Council of Government is the same as the Presidential period for which it has been elected.

81. The same qualifications are required for a Councillor as for the President of the Republic.

82. The Council will elect among its own members a President, and first and second Vice-Presidents to fill vacancies, temporary or absolute, in the Presidency. It will also elect a Secretary and such lesser officials as may be necessary.

83. The Council will meet on such occasions as may be determined by its own rules, but may not deliberate unless there are present at least two-thirds of its members.

84. The Ministers of State have the right to speak in the Council, may attend at its sittings whenever it may be considered convenient, and must assist at the same whenever they are called upon to supply information on any subject.

85. The Council of Government has the following attributes:—

(1.) To give its consultative vote in the cases referred to in Article 77, submitted to its consideration by the President of the Republic through the Minister concerned.

(2.) To give or refuse its assent to the exercise by the President of the Republic of any of the attributes conferred upon him under Article 78.

(3.) To give its decision in any other matter relating to the general administration which may be submitted to its attention.

(4.) To watch over the lawful administration and collection of the national revenue, presenting annually to Congress the information and observations which may be necessary. To look after the due delivery of the sums assigned to the States under section 32 of Article 13 of this Constitution, and the detailed quinquennial publication of the operations of the Treasury.

86. The laws may attribute to the Council of Government such other functions as may be consonant with its high character.

87. The vote of the Council of Government is that of an absolute majority of the members present. The Councillors who do not agree with the opinion of the majority have the right to preserve their vote, and may present it, in writing, at one of the subsequent sittings.

88. The Council will keep a register of all its decisions, an authentic copy of which shall be forwarded every year to the National Congress within the first fifteen days of its ordinary Sessions. There shall be excluded from such copy those matters which relate to diplomatic questions about which reserve may be necessary.

89. The Councillors are responsible—

For treason to the country ;

For subornation or bribery in the discharge of their functions ;

For infractions of the Constitution and of the laws ;

And for common offences.

Section 5.—*Of the Ministers of State.*

90. The President of the United States of Venezuela shall have for the dispatch of business such Ministers as may be determined

by law. The same law shall define their functions and duties, and shall organize their departments.

91. To be a Minister of State it is necessary to have completed 25 years of age and to be a Venezuelan by birth.

92. When the appointment of Minister falls upon a person who is a Senator or Deputy, such person shall not be able to occupy his place in the Chamber to which he belongs, except after the lapse of one year from the date upon which he has given up his office as Minister.

93. The Ministers of State assembled together for the discussion of matters within their competency, constitute the Council of Ministers which will be presided over by the President of the Republic.

94. The Ministers are the sole legal and necessary mouthpieces of the President of the United States of Venezuela. All the acts of the latter shall be countersigned by the Minister or Ministers to whose branches such acts relate: without such formality they shall be of no effect, and shall not be fulfilled or executed by the authorities, officials, or private individuals.

95. All the acts of the Ministers shall be regulated by this Constitution and the laws: they shall not be divested of responsibility by an order of the President, even though the same be in writing.

96. All matters other than the domestic affairs of the Departments shall be considered in the Council of Ministers. The responsibility of the latter shall be collective and mutual; the only exception to this being the Minister who, not being able to agree with the opinion of the majority, resigns his post.

97. The Ministers shall give an annual account to the Chambers, during the first eight days of their ordinary Session, of their conduct of their respective branches. They shall, moreover, give such verbal or written information as may be required of them. They shall also present within the first ten days of the second month of the Sessions of the Chambers, the general Budget of Revenue and Expenditure and the general account for the preceding year.

98. The Ministers have the right of speech in the Chambers, and shall be obliged to be present when called upon for information.

99. The Ministers are responsible—

- (1.) For treason to the country;
- (2.) For infraction of this Constitution and of the laws;
- (3.) For excess of expenditure over the estimates;
- (4.) For subornation or bribery in the dispatch of the business intrusted to them, or in their nominations of public officials; and
- (5.) For malversation of public funds, and for common offences.

TITLE VII.

Section 1.—*Of the Judicial Power of the Nation.*

100. The Judicial Power of the United States of Venezuela resides in the High Federal Court, in the Court of Cassation, and in the other Tribunals and Courts established by law.

101. The officials of the Judicial Power are responsible, in the cases determined by law, for treason to the country, for subornation or bribery in the discharge of their functions, for infractions of the Constitution and the laws, and for common offences.

Section 2.—*Of the High Federal Court.*

102. The High Federal Court is composed of nine members.

103. Each member of the High Federal Court shall have a substitute to take his place during temporary absence or absolute vacancy.

104. To be a member of the High Federal Court it is necessary to be a Venezuelan by birth and to have completed 30 years of age.

105. For the composition of the High Federal Court the Legislative Assembly of each State shall send a nomination list of its own to the National Congress, which shall elect from it the principal member and his substitute.

Sole paragraph.—The election of the principal and substitute referred to in this Article having been carried out, Congress, in the same Session, shall number, by absolute majorities, the candidates remaining on the nomination lists sent in by the Legislative Assemblies of the States. This enumeration shall be from one to seven, so that in that order they may replace the principal or substitute member should occasion arise.

106. Should the number of States exceed nine they shall, by law, be divided into groups ("circunscripciones"). Such law shall determine the form in which shall be presented the nominations referred to in section 21 of Article 13 of this Constitution, in order that the number of members of the High Federal Court shall never exceed nine. Should the number of States be diminished, a corresponding diminution should take place in the number of members.

107. The election of the members of the High Federal Court shall take place every six years.

108. The law shall determine the functions of the members and of the other officials of the High Federal Court, amongst whom shall be two Secretaries designated by the same.

109. The members who have exercised for three years or who still may be in exercise of their functions shall not be admitted, during the period, to any employment in the nomination of the National Executive, even though they renounce their office.

110. In addition to those indicated by this Constitution and the laws, the following are the attributes of the High Federal Court:—

(1.) To try the accusations made against the President of the Republic, Councillors of Government, Ministers of State, and Members of the High Federal Court and Court of Cassation on the grounds respectively determined by Articles 75, 89, 99, and 101 of this Constitution.

(2.) To prove and decide the cases referred to in the preceding paragraph.

(3.) To take cognizance of the suits, civil or criminal, formulated against Diplomatic Agents in the cases permitted by the law of nations.

(4.) To take cognizance of cases of responsibility which, for improper exercise of their functions, are laid against the Diplomatic Agents of the Republic accredited to other countries.

(5.) To try civil proceedings when demanded by the nation as determined by law.

(6.) To settle disputes which may arise between the officials of the various States in political matters and in matters of jurisdiction or competency.

(7.) To take cognizance of all matters of a political nature which the States submit for its consideration.

(8.) To define the law, decree, or resolution which may be in force when there may be contradiction between the national laws and decrees themselves, between the laws and decrees of the States and the national laws, between the laws and decrees of the States themselves, or between any of them and this Constitution.

(9.) To declare the nullity of all the acts referred to in Articles 118 and 119 of this Constitution, whether emanating from the national authority or that of the Federal district.

(10.) To take cognizance of prize cases.

(11.) To take cognizance of differences resulting from the contracts or negotiations entered into by the President of the Union.

(12.) To carry out the scrutiny of the election of the President of the Republic in the cases provided for in Articles 67 and 69 of this Constitution.

(13.) To exercise all other attributes determined by law.

Section 3.—*Of the Court of Cassation.*

111. The Court of Cassation is the Tribunal of the States, and will be composed of nine members, who shall hold office for six years.

112. To be a member of the Court of Cassation it is necessary —

(1.) To be a lawyer of the Republic with a practice of at least six years ;

(2.) To be a Venezuelan by birth, and have attained the age of 30 years.

113. To compose the Court of Cassation, the Legislative Assembly of each State shall elect every six years a principal and substitute member, and, furthermore, a list of others from which to fill temporary or absolute vacancies amongst the members in the order of election. Members having exercised their office for three years, or who may still be in discharge of their functions, shall not be admitted during such period to any official post in the nomination of the National Executive, even although they renounce their office.

114. Should the number of States at any time exceed nine, they shall be divided into groups (“circunscripciones”) by law. Such law shall determine the form in which these groups shall carry out the election in order that the number of members of the Court of Cassation shall not be more than nine. If the number of States be diminished, a corresponding diminution shall take place in the number of members.

115. The Court of Cassation has the following attributes :—

(1.) To take cognizance of criminal cases or cases of responsibility instituted against the high officials of the States, applying the respective State laws in matters of responsibility. In the absence of any such laws the general laws of the nation shall be applied.

(2.) To declare the nullity of all the acts referred to in Articles 118 and 119 of this Constitution whenever they emanate from the authority exercised by the high officials of the States.

(3.) To take cognizance of matters of appeal in the form and manner determined by law.

(4.) To report annually to Congress the obstacles which preclude uniformity in matters of civil and criminal legislation.

(5.) To decide the questions which may arise between the officials and legal authorities in the different States, as well as between those in the same State, whenever there shall not exist in it an authority competent to settle the same.

(6.) To ascertain the qualifications of its members in conformity with Article 112 of this Constitution.

(7.) To discharge such other functions as may be attributed to it by law.

TITLE VIII.—*General Dispositions.*

116. All those matters which are not expressly attributed to the general administration of the nation by this Constitution are within the competency of the States.

117. The definition of attributes and faculties indicate the limits of the Public Power; all that which exceeds the said definition constitutes an usurpation of power.

118. All usurped authority has no effect, and its acts are null.

119. All decisions brought about by the direct or indirect intervention of the armed force or by the subversive attitude of a popular insurrection are null and void.

120. All magistrates, authorities, or corporations are prohibited from exercising any function which is not expressly attributed to them by this Constitution or by law.

121. The Courts of Justice of the States are independent; proceedings initiated in any State shall be terminated in the same without any further investigation than that of the Court of Cassation in such cases as are permitted by law.

122. Neither the National Congress nor the Legislative Assemblies of the States shall be able in any case, for any motive, or under any pretext, to confer extraordinary powers upon or to pass votes of confidence in the President of the Republic, or upon or in any person or corporate body composing the National Executive.

123. All acts of the Legislative Chambers or of the National Executive which violate the rights guaranteed to the States or which attack their autonomy shall be declared null by the High Federal Court even when the declaration of nullity may have been petitioned for by only one of the Legislative Assemblies of the States.

124. The Judges of the High Federal Court and of the other Tribunals of the nation shall receive for their services the compensation determined by law; such remuneration shall neither be diminished nor augmented so long as they continue in their appointments.

125. The national forces are divided into naval and land troops, and shall be composed of the citizen militia organized by the States according to law.

126. The public force at the command of the National Power shall consist of a contingent furnished by each State in proportion to its population. The States shall call into such service the citizens who are bound to give the same in accordance with the internal laws.

127. In the event of war the contingent may be augmented by

the addition of bodies of citizen militia until the number of men called for by the National Government is reached.

128. The National Government may make changes amongst the chiefs of the forces supplied by the States in the cases and with the formalities determined by the national military laws, and may in that event call upon the States to replace them.

129. Military and civil authority shall never be exercised simultaneously by one individual or corporate body.

130. The nation being in possession of the right of ecclesiastical patronage shall exercise it as the law on the subject determines.

131. The National Government shall not maintain in the States any resident officials possessed of jurisdiction or authority other than the officials belonging to such States. Exceptions to this are: the Fiscal Agents; those who may be necessary for carrying on the administration ceded by the States under section (16) of Article 13 of this Constitution; officers of the forces in command of fortresses, arsenals, garrisons, and open ports, whose jurisdiction shall be restricted solely to their particular office, and shall be exercised only within the precincts of the fortresses and barracks in their command, remaining otherwise subject to the general laws of the State in which they reside. They shall be subject to immediate removal or replacement by the National Executive or other authority corresponding to it upon the lawful request of the Government of any particular State.

132. All war material existing in the territory of the Republic at the promulgation of this Constitution shall be the property of the National Government.

133. The States have the right to acquire such armament as may be necessary for their militia, and such warlike stores as may be required for their internal security, and shall be able to import the same from abroad free of all import duties. In every case of such importation the formalities established by the Military Code and the corresponding fiscal law shall be observed.

134. The National Government shall not quarter in any State troops or officers in command, whether of the same State or of any other, without the permission of the Government of the State in which the force is quartered.

135. In the event of an absolute or temporary vacancy in the office of President of the Republic, the States shall immediately be notified of the accession of the individual who replaces him.

136. Exportation is free in Venezuela, and shall not be weighted with duties of any kind.

137. Any citizen may bring an accusation against the national officials or those of the States, before the Courts or before their superiors, as determined by law.

138. The National Treasury shall not disburse any expenditure for which provision has not been made by Congress in the general annual Estimates, and those who infringe this disposition shall be civilly responsible to the National Treasury for the sums paid. In the general payments ordinary expenditure shall have the preference over extraordinary.

139. The offices for the collection of national contributions and those for making payments shall be maintained separately. The former shall have no power to make any payments other than the salaries of their respective officials.

140. In the election periods the public, national, or State forces shall remain in barracks as long as the polling continues.

141. In international Treaties the following clause shall be inserted: "All differences between the Contracting Parties shall be decided without appeal to war by the arbitration of a friendly Power or Powers."

142. No person may fill at one and the same time more than one appointment in the nomination of Congress or of the National Executive. The acceptance of a second post of any kind whatever is equivalent to resignation of the first.

143. The law will create and designate any other national Tribunals which may be necessary.

144. National officials shall not be able to accept gifts, appointments, honours, or rewards from foreign countries without the consent of the Senate.

145. The armed forces may not deliberate; they are passive and obedient. No armed body may make requisitions, nor exact supplies of any kind except from the national authorities and in the form and manner prescribed by law. The chiefs of the army who infringe this disposition will be tried and punished in accordance with law.

146. The nation and the States shall promote the immigration of, and colonization by, foreigners in accordance with the respective laws.

147. A law will define the manner in which the national officials on taking up their appointments shall take the oath of proper discharge of their duties.

148. The National Executive shall negotiate with the other Governments of America respecting Treaties of Alliance or Confederation.

149. No contract of public interest concluded by the National Government or by that of the States shall be transferred, in whole or in part, to a foreign Government. In all such contracts the following clause shall be inserted: "The doubts and controversies which may arise respecting the interpretation or execution shall be

decided by the Venezuelan Tribunals in conformity with the laws of the Republic, and such contracts shall in no case be a motive for international claims."

150. The prescriptions of the law of nations forms part of the national legislation; they rule generally in cases of civil war. Consequently, war may be terminated by means of a Treaty between the belligerents, who shall be bound to accept the practices of civilized nations, the guarantee of life being in every case inviolable.

151. This Constitution may be amended or added to, but neither amendment nor addition shall be decreed by Congress except in the ordinary Sessions, and when a petition to that effect has been made by three-fourths of the Legislative Assemblies of the States in ordinary Session. Such alterations shall not be effective until after the re-appointment ("renovacion") of the Public Powers of the nation by whom they may have been solicited or sanctioned.

152. The Constitutional amendments or additions shall be made by procedure similar to that established for the enactment of the laws.

153. The amendments or additions having been agreed to by the National Legislature, the President of Congress shall submit them to the Legislative Assemblies of the States for final ratification.

154. Congress may likewise take the initiative in formulating amendments or additions, and may agree to them by the procedure indicated in the foregoing Article, but in that case they shall not be held to be sanctioned without the ratification of three-fourths of the Legislative Assemblies of the States.

155. Whether the Legislative Assemblies of the States or the Legislative Chambers initiate amendments or additions, the final vote of the States shall always be passed to the National Congress, which will then examine and order the promulgation of the amendment or addition as sanctioned.

156. The Constitutional periods will be reckoned from the 20th February, 1894.

157. For all the acts of the civil and political existence of the States the basis of population shall be that determined by the last census of the Republic approved by Congress.

158. In all public Acts and official documents of the nation and of the States shall be recited the fact of the independence dating from the 5th July, 1811, and that of the Federation, dating from the 20th February, 1859.

159. This Constitution becomes effective from the date of its promulgation in the Federal district and in each of the States of the Union.

160. By a special law to be enacted by the National Constituent

Assembly, rules shall be made to be observed in carrying out the final and strictly Constitutional organization of the Republic.

161. The Constitution of the 16th April, 1891, is abrogated.

162. The present Constitution, signed by all the members of the National Constituent Assembly, met together in this capital, and with the assent ("cumplásé") of the National Executive, shall be promulgated immediately in the Federal district, and, as soon as it is received, in the States of the Union.

Given in the room of the Legislative Palace, in which are held the Sessions of the National Constituent Assembly, at Carácas, the 12th June, 1893, in the 83rd year of the Independence and the 35th of the Federation.

FELICIANO ACEVEDO, *President*.

P. FEBRES CORDERO, *First Vice-President*.

J. BERRIO, *Second Vice-President*.

F. TOSTA GARCIA, *Secretary*.

[Here follow the signatures of the Deputies.]

Federal Palace of Carácas, the 21st June, 1893, the 83rd year of the Independence and the 35th of the Federation.

Let it be enacted and carefully executed.

JOAQUIN CRESPO.

[Here follow the signatures of the Ministers.]

BRITISH NOTE, denouncing the Postal Convention between Great Britain and Belgium of February 17, 1876, and the Additional Article of January 8, 1887.†—Brussels, February 8, 1893.‡*

Sir E. Monson to Count de Merode Westerloo.

M. LE MINISTRE,

Brussels, February 8, 1893.

ON the 10th ultimo his Excellency Baron Solvyns addressed a note to the Earl of Rosebery, stating that he had received instructions from Brussels to enter into negotiations with Her Majesty's Government for the conclusion of a new Postal Convention, and requesting his Lordship to inform him as to the person with whom he should confer on that subject.

* Vol. LXVII, page 19.

† Vol. LXXVIII, page 5.

‡ The receipt of this Notification was acknowledged by the Belgian Government on the 11th February, 1893.

The Earl of Rosebery, in a note dated yesterday, has communicated to Baron Solvyns the views of Her Majesty's Government in regard to the reopening of these negotiations, which his Excellency will no doubt at once make known to you. In assenting to the proposal made by the Belgian Minister, Her Majesty's Government have, however, found it absolutely imperative, in view of the serious financial disadvantage under which the United Kingdom is placed by the prolongation of the negotiations, to give formal notice for the termination of the existing Convention and of the subsidy under Articles XVIII and XIV.

In obedience to orders which I have this day received to that effect, I have therefore the honour to give formal notice of termination on the part of Her Majesty's Government of the Convention between Her Majesty and His Majesty the King of the Belgians, regulating the communication by post between the British and Belgian dominions, signed at London on the 17th February, 1876, and also of the Additional Article thereto, signed at London on the 8th January, 1887.

In virtue of Article XVIII of the said Convention, and of paragraph 5 of the said Additional Article, both instruments will terminate twelve months after the date of the present notice.

I have further the honour, by order of Her Majesty's Government, to give notice of termination of the payment annually made, under the provisions of Article XIV of the said Convention, by Her Majesty's Government to that of Belgium, for the mail-packet service.

In virtue of the terms of the said Article XIV, the payment will cease six months after the date of the notice now given in this behalf.

Begging your Excellency to be so good as to give me a formal acknowledgment of the receipt of this notice, I avail, &c

Count de Merode Westerloo.

EDMUND MONSON.

*SWISS NOTIFICATION of the Accession of Chile to the
Universal Postal Union Convention of July 4, 1891.*—
Berne, November 24, 1893.*

M. LE MINISTRE,

Berne, le 24 Novembre, 1893.

EN date du 14 courant la Légation d'Autriche-Hongrie à Berne nous a transmis la note que le Ministre Chilien des Affaires Étrangères a adressé, le 6 Septembre dernier, au Ministère des

Affaires Étrangères à Vienne pour annoncer l'adhésion du Gouvernement de la République du Chili à toutes les Conventions et Arrangements Internationaux de Vienne, du 4 Juillet, 1891. Le Chili n'ayant pas fait sa déclaration dans le terme fixé par l'Article V du Protocole Final qui fait suite à la Convention Postale Universelle, le Ministère Autrichien est de l'avis que la notification de cette adhésion aux Gouvernements de pays de l'Union doit se faire par les soins du Gouvernement Suisse.

En nous associant à cette manière de voir et en nous basant—

(a.) Sur la note de la Légation d'Autriche-Hongrie à Berne du 14 courant ;

(b.) Sur les Articles III, premier alinéa, et V du Protocole Final faisant suite à la Convention Postale Universelle du 4 Juillet, 1891 ;

(c.) Sur l'Article XXIV de cette Convention et sur les Articles des autres Conventions et Arrangements de Vienne qui s'y réfèrent ;

Nous avons l'honneur de notifier cette adhésion à votre Excellence.

Quant à l'époque de la mise à exécution des différents services, nous faisons ressortir que le Chili exécute déjà, à l'heure qu'il est, les services des correspondances (Convention Principale) et ceux des mandats et colis postaux.

Nous saisissons, &c.

Au nom du Conseil Fédéral Suisse,

SCHENK, *Président de la Confédération.*

SCHATZMANN, *Vice-Chancelier.*

INSTRUCTION to Her Majesty's Minister in China, respecting the Fee to be taken for Registration of British Subjects in China, Japan, and Corea.—London, September 12, 1893.

Foreign Office to Mr. O'Conor.

(Extract.)

Foreign Office, September 12, 1893.

I APPROVE a uniform fee of 2 dollars being charged for the annual registration of British subjects in China and Japan, and you should notify the same in such manner as you may deem expedient.*

N. R. O'Conor, Esq.

ROSEBERY.

* Circular to Consuls issued by Legation on November 17, 1893. New rate to come into force on January 1, 1894.

NOTES exchanged between Great Britain and Bulgaria, prolonging the Commercial Arrangement between the two Countries of 1889 to the* ^{31st December, 1894.} *Sophia, October,* ^{12th January, 1895.} *November 1893.†*

M. Grécoff to Mr. Dering.

Ministère des Affaires Étrangères, Sophia,

(Extrait.)

le $\frac{1}{31}$ Octobre, 1893.

J'AI l'honneur de porter à votre connaissance que le Gouvernement Bulgare est disposé à prolonger d'une année encore, c'est-à-dire jusqu'au 31 Décembre, 1894 (v.s.), l'Arrangement Commercial actuel.

Au cas où votre Haut Gouvernement accepterait le terme proposé la présente note consacrerait d'ores et déjà, avec la communication que vous seriez chargé de m'adresser, la prolongation d'une année à l'expiration de laquelle l'Arrangement actuel est considéré comme dénoncé de plein droit.

Veuillez, &c.

H. N. Dering, Esq.

D. GRÉCOFF.

Mr. Dering to M. Grécoff.

M. LE MINISTRE, *British Agency, Sophia, November $\frac{4}{16}$, 1893.*

I DID not fail to transmit to Her Majesty's Government copy of the note which your Excellency did me the honour to address to me on the ^{19th}/_{31st} October, proposing that the duration of the Provisional Commercial Agreement now existing between our respective countries, and which would otherwise expire on the ^{31st December, 1893}/_{12th January, 1894}, should be further prolonged for the period of twelve months, i.e., until the ^{31st December 1894}/_{12th January, 1895}.

I have now been authorized by Her Majesty's Principal Secretary of State for Foreign Affairs to state that Her Majesty's Government agree to this prolongation, and will consider your Excellency's note proposing the same, and the present reply thereto, as Acts binding on our respective Governments to that effect.

I avail, &c.,

M. Grécoff.

H. N. DERING.

* Vol. LXXXI, page 629.

† Notified in the "London Gazette" of December 1, 1893.

REGULATIONS regarding Trade, Communication, and Pasturage, appended to the Convention between Great Britain and China of March 17, 1890, relative to Sikkim and Tibet.—Signed at Darjeeling, December 5, 1893.*

1. A **TRADE** mart shall be established at Yatung on the Tibetan side of the frontier, and shall be open to all British subjects for purposes of trade from the 1st day of May, 1894. The Government of India shall be free to send officers to reside at Yatung to watch the conditions of British trade at that mart.

2. British subjects trading at Yatung shall be at liberty to travel freely to and fro between the frontier and Yatung, to reside at Yatung, and to rent houses and godowns for their own accommodation, and the storage of their goods. The Chinese Government undertake that suitable buildings for the above purposes shall be provided for British subjects, and also that a special and fitting residence shall be provided for the officer or officers appointed by the Government of India under Regulation 1 to reside at Yatung. British subjects shall be at liberty to sell their goods to whomsoever they please, to purchase native commodities in kind or in money, to hire transport of any kind, and in general to conduct their business transactions in conformity with local usage, and without any vexatious restrictions. Such British subjects shall receive efficient protection for their persons and property. At Lang-jo' and Ta-chun, between the frontier and Yatung, where rest-houses have been built by the Tibetan authorities, British subjects can break their journey in consideration of a daily rent.

3. Import and export trade in the following articles,—arms, ammunition, military stores, salt, liquors, and intoxicating or narcotic drugs, may, at the option of either Government, be entirely prohibited, or permitted only on such conditions as either Government, on their own side, may think fit to impose.

4. Goods, other than goods of the descriptions enumerated in Regulation 3, entering Tibet from British India, across the Sikkim-Tibet frontier, or *vice versâ*, whatever their origin, shall be exempt from duty for a period of five years, commencing from the date of the opening of Yatung to trade; but after the expiration of this term, if found desirable, a Tariff may be mutually agreed upon and enforced.

Indian tea may be imported into Tibet at a rate of duty not exceeding that at which Chinese tea is imported into England,

but trade in Indian tea shall not be engaged in during the five years for which other commodities are exempt.

5. All goods on arrival at Yatung, whether from British India or from Tibet, must be reported at the Custom station there for examination, and the report must give full particulars of the description, quantity, and value of the goods.

6. In the event of trade disputes arising between British and Chinese or Tibetan subjects in Tibet, they shall be inquired into and settled in personal conference by the Political Officer for Sikkim and the Chinese Frontier Officer. The object of personal conference being to ascertain facts and do justice, where there is a divergence of views, the law of the country to which the defendant belongs shall guide.

7. Despatches from the Government of India to the Chinese Imperial Resident in Tibet shall be handed over by the Political Officer for Sikkim to the Chinese Frontier Officer, who will forward them by special courier.

Despatches from the Chinese Imperial Resident in Tibet to the Government of India will be handed over by the Chinese Frontier Officer to the Political Officer for Sikkim, who will forward them as quickly as possible.

8. Despatches between the Chinese and Indian officials must be treated with due respect, and couriers will be assisted in passing to and fro by the officers of each Government.

9. After the expiration of one year from the date of the opening of Yatung, such Tibetans as continue to graze their cattle in Sikkim will be subject to such regulations as the British Government may from time to time enact for the general conduct of grazing in Sikkim. Due notice will be given of such regulations.

General Articles.

1. In the event of disagreement between the Political Officer for Sikkim and the Chinese Frontier Officer, each official shall report the matter to his immediate superior, who in turn, if a settlement is not arrived at between them, shall refer such matter to their respective Governments for disposal.

2. After the lapse of five years from the date on which these Regulations shall come into force, and on six months' notice given by either party, these Regulations shall be subject to revision by Commissioners appointed on both sides for this purpose, who shall be empowered to decide on and adopt such amendments and extensions as experience shall prove to be desirable.

3. It having been stipulated that Joint Commissioners should

be appointed by the British and Chinese Governments under Article VII of the Sikkim-Tibet Convention to meet and discuss, with a view to the final settlement of the questions reserved under Articles IV, V, and VI of the said Convention; and the Commissioners thus appointed having met and discussed the questions referred to, namely, trade, communication, and pasturage, have been further appointed to sign the Agreement in nine Regulations and three General Articles now arrived at, and to declare that the said nine Regulations and the three General Articles form part of the Convention itself.

In witness whereof the respective Commissioners have hereto subscribed their names.

Done in quadruplicate at Darjeeling, this 5th day of December, in the year 1893, corresponding with the Chinese date, the 28th day of the 10th moon of the 19th year of Kuang Hsü.

(L.S.) A. W. PAUL, *British Commissioner.*

(L.S.) HO CHANG-JUNG,

JAMES H. HART, *Chinese Commissioners.*

BRITISH ORDER IN COUNCIL, applying "The Trade-Marks Acts, 1883 and 1885,"† to the Republic of Equator.*
—Windsor, May 16, 1893.

At the Court at Windsor, the 16th day of May, 1893.

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY.

Lord President.

Marquess of Ripon.

Mr. Secretary Asquith.

WHEREAS by the provisions of "The Patents, Designs, and Trade-Marks Act, 1883," as amended by "The Patents, Designs, and Trade-Marks (Amendment) Act, 1885," it is, amongst other things, provided—

That if Her Majesty is pleased to make any arrangement with the Government or Governments of any foreign State or States for mutual protection of inventions, designs, and trade-marks, or any of them, then any person who has applied for protection for any invention, design, or trade-mark in any such State shall, subject to

* Vol. LXXIV, page 211.

† Vol. LXXVI, page 498.

the conditions further provided and set forth in the said Act, be entitled to a patent for his invention, or to registration of his design or trade-mark (as the case may be) under the said Act in priority to other applicants, and such patent or registration shall have the same date as the date of the application in such foreign State;

And whereas it has pleased Her Majesty to make an arrangement with his Excellency the President of Equator by and in virtue of a Convention entered into between Her Majesty and that State, dated the 26th day of August, 1892, and duly ratified on the 3rd day of February, 1893,* as regards the rights to which subjects of each of the Contracting Parties shall be entitled in the dominions and possessions of the other in regard to designs and trade-marks;

Now, therefore, Her Majesty, by and with the advice of her Privy Council, and by virtue of the authority committed to her by the said first-mentioned Act, doth declare, and it is hereby declared, that the provisions of the said Acts hereinbefore specified shall apply to the following country, viz.:—

Equator.

And it is further ordered and declared that this Order shall take effect, so far as regards designs and trade-marks, at the expiration of four months from the day and date first above written.

C. L. PEEL.

BRITISH ORDER IN COUNCIL, applying "The Mail-Ships Act, 1891,"† to India, as regards the Postal Convention between Great Britain and France of August 30, 1890.‡—Windsor, May 16, 1893.

At the Court at Windsor, the 16th day of May, 1893.

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY.

Lord President.

Marquess of Ripon.

Mr. Secretary Asquith.

WHEREAS on the 30th day of August, 1890, a Convention was made at London between Her Majesty and the President of the French Republic respecting the postal service between France and the French possessions and the United Kingdom and British possessions;

* Vol. LXXXIV, page 75.

† Vol. LXXXIII, page 125.

‡ Vol. LXXXII, page 91.

And whereas the ratifications of the said Convention were exchanged on the 23rd March, 1891;

And whereas, by "The Mail-Ships (France) Order in Council, 1892,"* "The Mail-Ships Act, 1891," is applied during the continuance of that Order as regards the said Convention, and as regards the French Republic and the postal service and mail-ships described in that Convention;

And whereas by section 8, subsection (1), of the said Act it is provided that an Order in Council may, for the purpose of a Convention with a foreign State, apply the said Act, subject to any exceptions or modifications not inconsistent with the provisions of the said Act, to any British possession, and that the said Act when so applied should, subject to those exceptions and modifications, and subject as thereafter mentioned, have effect as if it were re-enacted, with the substitution of such British possession for the United Kingdom, provided that, before it should be applied to any British possession named in the Schedule to the said Act, the Government of such possession should have adhered to the Convention;

And whereas the Government of India, one of the possessions named in the Schedule to the said Act, has adhered to the said Convention, and it is expedient that the said Act should, for the purposes of the said Convention, apply to India, subject to the exceptions and modifications in this Order contained:

Now, therefore, Her Majesty, by virtue and in exercise of the powers in this behalf by "The Mail-Ships Act, 1891," or otherwise in Her Majesty vested, is pleased, by and with the advice of her Privy Council, to order, and it is hereby ordered, as follows:—

1. "The Mail-Ships Act, 1891," shall for the purpose of the said Convention apply to India, subject to the provisions of section 8 of the said Act, and also to the exceptions and modifications following, that is to say:—

(1.) The expression "Officer of Customs" means an officer of Customs authorized under "The Sea Customs Act, 1878," or other law for the time being regulating sea customs in India.

(2.) The provisions of the said Act as to the amount of fines shall be read as if the amounts were stated in rupees at the rate of 10 rupees to the pound sterling.

(3.) In lieu of subsections (1) and (2) of section 7 of the said Act, the following provisions shall be substituted, that is to say:—

Every fine under the said Act, if exceeding 500 rupees, may be recovered by suit in the principal Civil Court having original

jurisdiction in the place in which the person liable to the fine may be found.

A fine under the said Act not exceeding 500 rupees may be recovered by criminal proceedings before a Presidency Magistrate, or Magistrate of the First Class, having jurisdiction in the place in which the person liable to the fine may be found. Provided that—

(a.) Every offence for which a fine exceeding 500 rupees can be imposed under the said Act may be prosecuted before such Magistrate, but the fine imposed on such conviction shall not exceed 500 rupees; and

(b.) In every case of conviction and fine by a Magistrate there shall be an appeal to the same Court as in other cases of fine of such amount as, under the law for the time being in force in India, to give a right of appeal.

Every Court, whether of original or appellate jurisdiction, may reduce the amount of any fine.

(4.) The Regulations required to be made under subsection (4) of section 7 of the said Act by the Commissioners of Customs, with the consent of the Treasury, shall in India be made by the Governor-General in Council.

(5.) Section 5 of the said Act, so far as relates to the Commissioners of Customs, shall not apply to India.

2. The said Act shall apply as regards any public ship of the French Republic when employed as a mail-ship in the cases authorized by Article V of the said Convention.

3. This Order may be cited as “The Mail-ships (France) Order in Council (India), 1893.”

And the Right Honourable the Earl of Rosebery, K.G., and the Right Honourable the Earl of Kimberley, K.G., two of Her Majesty's Principal Secretaries of State, are to give the necessary directions herein as to them may respectively appertain.

C. L. PEEL

BRITISH ORDER IN COUNCIL, applying "The Colonial Probates Act, 1892," to the Bahama Islands.—Windsor, November 23, 1893.*

At the Court at Windsor, the 23rd day of November, 1893.

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY.

Lord President.

Lord Steward.

Lord Kensington.

WHEREAS by the first section of "The Colonial Probates Act, 1892," it is enacted as follows:—

"Her Majesty the Queen may, on being satisfied that the Legislature of any British possession has made adequate provision for the recognition in that possession of probates and letters of administration granted by the Courts of the United Kingdom, direct by Order in Council that this Act shall, subject to any exceptions and modifications specified in the Order, apply to that possession, and thereupon, while the Order is in force, this Act shall apply accordingly ;"

And whereas Her Majesty is satisfied that the Legislature of the British possession hereinafter mentioned has made adequate provision for the recognition in that possession of probates and letters of administration granted by the Courts of the United Kingdom :

Now, therefore, Her Majesty, by virtue and in exercise of the powers by the above-recited Act in Her Majesty vested, is pleased, by and with the advice of her Most Honourable Privy Council to order, and it is hereby ordered, as follows:—

"The Colonial Probates Act, 1892," shall apply to the British possession hereunder mentioned:—

The Bahama Islands.

And the Most Honourable the Marquess of Ripon, Her Majesty's Principal Secretary of State for the Colonies, is to give the necessary directions herein accordingly.

C. L. PEEL.

* Vol. LXXXIV, page 700.

BRITISH ORDER IN COUNCIL, making Regulations explanatory of Articles 3 and 15 of the Regulations of August 11, 1884, for the Prevention of Collisions at Sea.—Osborne, January 30, 1893.

At the Court at Osborne House, Isle of Wight, the 30th day of January, 1893.

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by an Order in Council made in pursuance of "The Merchant Shipping Act Amendment Act, 1862,"* and dated the 11th day of August, 1884,† Her Majesty, on the joint recommendation of the Admiralty and the Board of Trade, was pleased to direct that on and after the 1st day of September, 1884, the Regulations contained in the Schedule thereto should, so far as regards British ships and boats, be substituted for the Regulations contained in the First Schedule to an Order in Council made as aforesaid, and dated the 14th day of August, 1879;

And whereas by two Orders in Council made in pursuance of the said Act, and on such joint recommendation as aforesaid, and dated respectively the 30th day of December, 1884,‡ and the 24th day of June, 1885,§ certain modifications and additions were made to the said Regulations contained in the Schedule to the said recited Order in Council of the 11th day of August, 1884, as regards British fishing-vessels and boats;

And whereas by another Order in Council made in pursuance of the said Act and on such joint recommendation as aforesaid, and dated the 18th day of August, 1892,|| certain modifications and additions were made to the said Regulations contained in the Schedule to the said recited Order in Council of the 11th August, 1884, as regards steam pilot vessels;

And whereas by the said Regulations contained in the Schedule to the said Order in Council of the 11th day of August, 1884, it is, amongst other things, provided as follows:—

ART. 3. A sea-going steam-ship when under way shall carry—

(a.) On or in front of the foremast, at a height above the hull of not less than 20 feet, and if the breadth of the ship exceeds 20 feet, then at a height above the hull not less than such breadth, a bright white light, so constructed as to show an uniform and unbroken light over an arc of the horizon of twenty points of the compass, so

* Vol. LXVI, page 682.

† Vol. LXXV, page 588.

|| Page 1297.

‡ Vol. LXXV, page 579.

§ Vol. LXXVI, page 479.

fixed as to throw the light ten points on each side of the ship, viz., from right ahead to two points abaft the beam on either side, and of such a character as to be visible on a dark night, with a clear atmosphere, at a distance of at least 5 miles.

(b.) On the starboard side, a green light so constructed as to show an uniform and unbroken light over an arc of the horizon of ten points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the starboard side, and of such a character as to be visible on a dark night, with a clear atmosphere, at a distance of at least 2 miles.

(c.) On the port side a red light, so constructed as to show an uniform and unbroken light over an arc of the horizon of ten points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the port side, and of such a character as to be visible on a dark night, with a clear atmosphere, at a distance of at least 2 miles.

(d.) The said green and red side-lights shall be fitted with inboard screens projecting at least 3 feet forward from the light, so as to prevent these lights from being seen across the bow.

ART. 15. If two ships under steam are meeting end on, or nearly end on, so as to involve risk of collision, each shall alter her course to starboard, so that each may pass on the port side of the other.

This Article only applies to cases where ships are meeting end on, or nearly end on, in such a manner as to involve risk of collision, and does not apply to two ships which must, if both keep on their respective courses, pass clear of each other.

The only cases to which it does apply are, when each of the two ships is end on, or nearly end on, to the other; in other words, to cases in which, by day, each ship sees the mast of the other in a line, or nearly in a line, with her own; and by night to cases in which each ship is in such a position as to see both the side-lights of the other.

It does not apply, by day, to cases in which a ship sees another ahead crossing her own course; or by night, to cases where the red light of one ship is opposed to the red light of the other, or where the green light of one ship is opposed to the green light of the other, or where a red light without a green light, or a green light without a red light, is seen ahead, or where both green and red lights are seen anywhere but ahead.

And whereas there has been doubt or misapprehension concerning the effect of the said two Articles;

And whereas the Admiralty and the Board of Trade have jointly recommended to Her Majesty to make the following additions to the said Regulations for the purpose of explaining the said recited Articles and of removing the said doubt or misapprehension :

Now, therefore, Her Majesty, by virtue of the powers vested in her by the said Act, and by and with the advice of her Privy Council, is pleased to direct that, from the date of this Order, the Regulations contained in the Schedule to the said Order in Council of the 11th day of August, 1884, shall be further modified by the addition to the said recited Article 3 of the provisions contained in the Schedule hereto.

HERBERT M. SUFT.

SCHEDULE.

(e.) To insure that the red and green side-lights shall show an uniform light from right ahead of the ship to two points abaft the beam on the port and star-board sides respectively, and shall not show across the bow of the ship itself, the said lights must be fixed and the screens fitted so that the rays from the red and green lights shall cross the line of the ship's keel projected ahead of the ship at a reasonable distance ahead of the ship.

With regard to all vessels whose lights are inspected by the officers of the Board of Trade the red or green side-light will not be deemed to be fixed and fitted in accordance with the regulations unless it is so fixed and screened that a line drawn from the outside edge of the wick to the foremost end of the inboard screen of such light shall make an angle of four degrees or as near thereto as may be practicable with a line drawn parallel with the keel of the ship from the outside edge of the wick.

BRITISH ORDER IN COUNCIL, applying "The Colonial Probates Act, 1892," to certain British Possessions.—Osborne, January 30, 1893.*

At the Court at Osborne House, Isle of Wight, the 30th day of January, 1893.

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY.

Lord President.

Mr. Lefevre.

Viscount Oxenbridge.

Mr. Denman.

Chancellor of the Exchequer.

WHEREAS by the first section of "The Colonial Probate Act, 1892," it is enacted as follows:—

"Her Majesty the Queen may, on being satisfied that the Legislature of any British possession has made adequate provision for the recognition in that possession of probates and letters of administration granted by the Courts of the United Kingdom, direct by Order in

Council that this Act shall, subject to any exceptions and modifications specified in the Order, apply to that possession, and thereupon, while the Order is in force, this Act shall apply accordingly ;”

And whereas Her Majesty is satisfied that the Legislatures of the British possessions hereinafter mentioned have made adequate provision for the recognition in those possessions of probates and letters of administration granted by the Courts of the United Kingdom ;

Now, therefore, Her Majesty, by virtue and in exercise of the powers by the above recited Act in Her Majesty vested, is pleased by and with the advice of her Most Honourable Privy Council, to order, and it is hereby ordered, as follows :

“The Colonial Probates Act, 1892,” shall apply to the British possessions hereunder mentioned :—

Cape of Good Hope ;

New South Wales ;

Victoria ;

New Zealand ;

Gibraltar ;

British Honduras.

And the Most Honourable the Marquess of Ripon, Her Majesty’s Principal Secretary of State for the Colonies, is to give the necessary directions herein accordingly.

HERBERT M. SUFT.

BRITISH ORDER IN COUNCIL, applying “The Colonial Probates Act, 1892,” to certain British Possessions.—Windsor, March 15, 1893.*

At the Court at Windsor, the 15th day of March, 1893.

PRESENT: THE QUEEN’S MOST EXCELLENT MAJESTY.

Lord President.

Lord Chamberlain.

Mr. Bryce.

WHEREAS by the first section of “The Colonial Probates Act, 1892,” it is enacted as follows :—

“Her Majesty the Queen may, on being satisfied that the Legislature of any British possession has made adequate provision for the recognition in that possession of probates and letters of

* Vol. LXXXIV, page 700.

administration granted by the Courts of the United Kingdom, direct by Order in Council that this Act shall, subject to any exceptions and modifications specified in the Order, apply to that possession, and thereupon, while the Order is in force, this Act shall apply accordingly;”

And whereas Her Majesty is satisfied that the Legislatures of the British possessions hereinafter mentioned have made adequate provision for the recognition in those possessions of probates and letters of administration granted by the Courts of the United Kingdom;

Now, therefore, Her Majesty, by virtue and in exercise of the powers by the above recited Act in Her Majesty vested, is pleased by and with the advice of her Most Honourable Privy Council to order, and it is hereby ordered, as follows:—

“The Colonial Probates Act, 1892,” shall apply to the British possessions hereunder mentioned:—

Hong Kong;

Western Australia: and

The Province of Ontario in the Dominion of Canada.

And the Most Honourable the Marquess of Ripon, Her Majesty’s Principal Secretary of State for the Colonies, is to give the necessary directions herein accordingly.

C. L. PEEL.

*BRITISH ORDER IN COUNCIL, prohibiting the Catching of
Seals by British Ships in Behring Sea until the 1st May,
1894.—Windsor, May 16, 1893.*

At the Court at Windsor, the 16th day of May, 1893.

PRESENT: THE QUEEN’S MOST EXCELLENT MAJESTY.

Lord President.

Marquess of Ripon.

Mr. Secretary Asquith.

WHEREAS by “The Seal Fishery (Behring Sea) Act, 1891,”* it is enacted that Her Majesty the Queen may, by Order in Council, prohibit the catching of seals by British ships in Behring Sea or such part thereof as is defined by the said Order during the period limited by the Order;

And whereas the expression “Behring Sea” in the said Act

* Vol. LXXXIII, page 123.

means the seas known as Behring' Sea within the limits described in an Order under this Act ;

And whereas an Order in Council was issued on the 23rd day of June, 1891,* prohibiting the catching of seals by British ships in Behring Sea as therein defined, until the 1st day of May, 1892 ;

And whereas a further Order in Council was issued on the 9th day of May, 1892,† prohibiting the catching of seals by British ships in Behring Sea, as therein defined, until the 1st day of May, 1893 :

Now, therefore, Her Majesty, in virtue of the powers vested in her by the said recited Act, by and with the advice of her Privy Council, is hereby pleased to order, and it is hereby ordered, as follows :—

1. This Order may be cited as “ The Seal Fishery (Behring Sea) Order in Council, 1893.”

2. From and after the date of the present Order until the 1st day of May, 1894, unless Her Majesty in Council shall otherwise direct, the catching of seals by British ships in Behring Sea, as hereinafter defined, is hereby prohibited.

3. For the purposes of the said recited Act and of this Order the expression “ Behring Sea ” means so much of that part of the Pacific Ocean known as Behring Sea as lies between the parallel of $65^{\circ} 30'$ north latitude and the chain of the Aleutian Islands and eastward of the following line of demarcation, that is to say, a line commencing at a point in Behring Straits on the said parallel of $65^{\circ} 30'$ north latitude, at its intersection by the meridian which passes midway between the Islands of Krusenstern or Ignalook and the Island of Ratmanoff or Noonarbook, and proceeding thence in a course nearly south-west through Behring Straits and the seas known as Behring Sea so as to pass midway between the north-west point of the Island of Saint Lawrence and the south-east point of Cape Choukotski to the meridian of 172° west longitude, thence, from the intersection of that meridian in a south-westerly direction so as to pass midway between the Island of Attou and the Copper Island of the Komandorski couplet or group in the North Pacific Ocean, to the meridian of 193° west longitude.

C. L. PEEL.

* Vol. LXXXIII, page 160.

† Vol. LXXXIV, page 282.

BRITISH ORDER IN COUNCIL, applying "The Colonial Probates Act, 1892," to certain British Possessions.—Windsor, May 16, 1893.*

At the Court at Windsor, the 16th day of May, 1893.

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY.

Lord President.

Marquess of Ripon.

Mr. Secretary Asquith.

WHEREAS by the first section of "The Colonial Probates Act, 1892," it is enacted as follows:—

"Her Majesty the Queen may, on being satisfied that the Legislature of any British possession has made adequate provision for the recognition in that possession of probates and letters of administration granted by the Courts of the United Kingdom, direct by Order in Council that this Act shall, subject to any exceptions and modifications specified in the Order, apply to that possession, and thereupon, while the Order is in force, this Act shall apply accordingly;"

And whereas Her Majesty is satisfied that the Legislatures of the British possessions hereinafter mentioned have made adequate provision for the recognition in those possessions of probates and letters of administration granted by the Courts of the United Kingdom:

Now, therefore, Her Majesty, by virtue and in exercise of the powers by the above recited Act in Her Majesty vested, is pleased by and with the advice of her Most Honourable Privy Council to order, and it is hereby ordered, as follows:

"The Colonial Probates Act, 1892," shall apply to the British possessions hereunder mentioned:—

British Guiana;

Gold Coast Colony;

South Australia;

Straits Settlements.

And the Most Honourable the Marquess of Ripon, Her Majesty's Principal Secretary of State for the Colonies, is to give the necessary directions herein accordingly.

C. L. PEEL.

* Vol. LXXXIV, page 700.

BRITISH ORDER IN COUNCIL, making Regulations for the Prevention of Collisions by Dredgers navigating the River Mersey.—Osborne, August 26, 1893.

At the Court at Osborne House, Isle of Wight, the 26th day of August, 1893.

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by "The Merchant Shipping Act Amendment Act, 1862,"* it is provided that in the case of any harbour, river, or other inland navigation for which rules concerning the lights or signals to be carried by vessels navigating the waters thereof, or concerning the steps for avoiding collisions to be taken by such vessels, are not, and cannot be, made, by or under the authority of any local Act, it shall be lawful for Her Majesty in Council, upon application from the harbour trust or body corporate (if any), owning or exercising jurisdiction upon such waters, to make rules concerning the lights or signals to be carried, and concerning the steps for avoiding collision to be taken by vessels navigating such waters; and that such rules, when so made, shall, so far as regards vessels navigating such waters, have the same effect as if they were regulations contained in Table (C) in the Schedule to the said Act, and notwithstanding anything in the said Act or in the Schedule thereto contained;

And whereas the Mersey Docks and Harbour Board, established by "The Mersey Docks and Harbour Act, 1857," for the time being empowered to carry into effect the provisions of the Mersey Docks and Harbour Acts, 1857 to 1891, are the body corporate owning and exercising jurisdiction over the River Mersey and the port and harbour of Liverpool;

And whereas by an Order in Council dated the 23rd day of June, 1891, made in pursuance of the said first recited Act, Her Majesty, on the application of the said Mersey Docks and Harbour Board, was pleased to make certain rules, set forth in the Schedule thereto, concerning the lights to be carried, and concerning the steps for avoiding collision to be taken by vessels, to wit, dredgers, anchored, moored, or working in the River Mersey or the sea channels leading thereto within the jurisdiction of the Mersey Docks and Harbour Board;

And whereas the said Mersey Docks and Harbour Board have applied to Her Majesty in Council to make, and have submitted for approval, certain new rules concerning the lights or signals to

* Vol. LXVI, page 682.

be carried, and concerning the steps for avoiding collision to be taken by vessels, to wit, dredgers, when at work or in position for working, in the River Mersey or the sea channels leading thereto within the jurisdiction of the Mersey Docks and Harbour Board, such rules to be substituted for and in lieu of the rules set forth in the Schedule to the said recited Order in Council of the 23rd day of June, 1891 ;

And whereas the new rules so submitted as aforesaid appear to be reasonable and proper:

Now, therefore, Her Majesty, by virtue of the powers in her vested by the said recited Act, and by and with the advice of her Privy Council, is pleased to make the said new rules which are set forth in the Schedule hereto, and to direct that the same shall come into force from and after the date hereof, and be substituted for and in lieu of the rules contained in the Schedule to the said Order of the 23rd day of June, 1891, which is hereby revoked.

C. L. PEEL.

SCHEDULE.

Rules concerning the Lights or Signals to be carried and concerning the Steps for avoiding Collision to be taken by Vessels, to wit, Dredgers, in the River Mersey, or the Sea Channels leading thereto, when at work or in position for working.

1. EVERY dredger in the River Mersey or the sea channels leading thereto within the jurisdiction of the Mersey Docks and Harbour Board, when at work or in position for working, shall carry the following lights and signals, viz.:—

Lights to be carried between Sunset and Sunrise.

(a.) *Forward*.—A white light in a globular lantern of not less than 8 inches in diameter, at a height not exceeding 10 feet above the hull, suspended from the forestay or otherwise near the bow where it can be best seen.

(b.) *Amidships*.—Three white lights in globular lanterns of not less than 8 inches in diameter, placed in triangular form not less than 8 feet apart, the base of the triangle to be at least 10 feet higher than the aft light, and to be also higher than and clear of the framework, funnels, or any other erections upon the dredger.

(c.) *Aft*.—A white light in a globular lantern of not less than 8 inches in diameter, double the height of the forward light, at the main or mizzen peak, or at the boom topping lift or other position near the stern where it can be best seen.

Each of the above-mentioned lights shall be of sufficient power and so constructed as to show, with a clear atmosphere, a clear uniform and unbroken light visible all round the horizon at a distance of at least 1 mile.

Signals to be carried between Sunrise and Sunset.

Amidships.—Three red balls, of not less than 2 feet in diameter, placed in triangular form, not less than 8 feet apart, the base of the triangle to be

higher than and clear of the framework, funnels, or any other erections upon the dredger.

2. Every dredger in the River Mersey or the sea channels leading thereto within the jurisdiction of the Mersey Docks and Harbour Board, when not at work or in position for working, shall carry the ordinary lights and signals required to be carried by vessels for avoiding collisions, as provided by "The Mersey Channels Prevention of Collisions Act, 1874," and by the rules and regulations from time to time in force under "The Merchant Shipping Act Amendment Act, 1862."

BRITISH ORDER IN COUNCIL, providing for the Exercise of Her Majesty's Jurisdiction in Territories adjacent to the Colony of the Gambia.—Windsor, November 23, 1893.

At the Court at Windsor, the 23rd day of November, 1893.

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY.

Lord President.

Lord Steward.

Lord Kensington.

WHEREAS by "The Foreign Jurisdiction Act, 1890,"* it was, amongst other things, enacted that it should be lawful for Her Majesty to hold, exercise, and enjoy any jurisdiction which Her Majesty then had or might at any time thereafter have, within a foreign country, in the same and as ample a manner as if Her Majesty had acquired that jurisdiction by the cession or conquest of territory;

And whereas by certain Letters Patent under the Great Seal of the United Kingdom of Great Britain and Ireland, bearing date at Westminster the 28th day of November, 1888,† Her Majesty's settlement on the Gambia was erected into a separate Colony, under the title of the Colony of the Gambia, and by the said Letters Patent a Legislative Council was appointed for the said Colony of the Gambia with certain powers and authority to legislate for the said Colony as by the said Letters Patent will more fully appear;

And whereas Her Majesty hath acquired jurisdiction within divers foreign countries on the West Coast of Africa near or

* Vol. LXXXII, page 656.

† Vol. LXXXI, page 140.

adjacent to Her Majesty's said Colony of the Gambia, and it is expedient to determine the mode of exercising such jurisdiction:

Now, therefore, Her Majesty is pleased, by and with the advice of her Privy Council, to order as follows:—

1. It shall be lawful for the Legislative Council for the time being of the Colony of the Gambia, by Ordinance or Ordinances, to exercise and provide for giving effect to all such jurisdiction as Her Majesty may, at any time before or after the passing of this Order in Council, have acquired in the said territories adjacent to the Colony of the Gambia.

2. The Governor for the time being of the Colony of the Gambia shall have a negative voice in the passing of all such Ordinances as aforesaid. And the right is hereby reserved to Her Majesty, her heirs and successors, to disallow any such Ordinances as aforesaid, in whole or in part, such disallowance being signified to the said Governor through one of Her Majesty's Principal Secretaries of State, and also to make and establish from time to time, with the advice and consent of Parliament, or with the advice of her or their Privy Council, all such Laws or Ordinances as may to her or them appear necessary for the exercise of such jurisdiction as aforesaid as fully as if this Order in Council had not been made.

3. In the making and establishing all such Ordinances, the said Legislative Council shall conform to and observe all such Rules and Regulations as may from time to time be appointed by any instruction or instructions issued by Her Majesty under her Sign-Manual and Signet, and, until further directed, the instructions in force for the time being as to Ordinances passed by the said Legislative Council for the peace, order, and good government of the said Colony of the Gambia shall, so far as they may be applicable, be taken and deemed to be in force in respect of Ordinances passed by the said Council by virtue of this Order in Council.

4. The Courts of the Colony of the Gambia shall have in respect of matters occurring within the said territories adjacent to the said Colony, so far as such matters are within the jurisdiction of Her Majesty, the same jurisdiction, civil and criminal, original and appellate, as they respectively possess from time to time in respect of matters occurring within the said Colony, and the judgments, decrees, orders, and sentences of any such Court made or given in the exercise of the jurisdiction hereby conferred may be enforced and executed, and appeals therefrom may be had and prosecuted, in the same way as if the judgment, decree, order, or sentence had been made or given under the ordinary jurisdiction of the Court.

5. In the construction of this Order in Council the term "Governor" shall include the officer for the time being administering the Government of the Colony of the Gambia.

And the Most Honourable the Marquess of Ripon, one of Her Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

C. L. PEEL.

BRITISH ORDER IN COUNCIL, respecting the Load Lines of Steam-ships registered in the Straits Settlements.— Windsor, March 15, 1893.

At the Court at Windsor, the 15th day of March, 1893.

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by "The Merchant Shipping Act, 1890"* (section 3), it is enacted that where the Legislature of any British possession by any enactment provides for the fixing, marking, and certifying of load lines on ships registered in that possession, and it appears to Her Majesty the Queen that the provisions of that enactment are based on the same principles as the provisions of this Act, and are equally effective for ascertaining and determining the maximum load lines to which such ships can be safely loaded in salt water, and for giving notice of the load line to persons interested, it shall be lawful for Her Majesty by Order in Council to declare that any load line fixed and marked, and any certificate given in pursuance of that enactment, shall, with respect to ships so registered, have the same effect as if they had been fixed, marked, or given in pursuance of this Act;

And whereas the Legislature of the British possession of the Straits Settlements by certain provisions of three enactments, namely, Ordinance No. 2 of 1882, intituled "An Ordinance to repeal and re-enact with certain alterations the Steam-Vessels Ordinance of 1873;" Ordinance No. 10 of 1887, intituled "An Ordinance to provide for the marking of deck and load lines on Steam-vessels registered in the Colony of the Straits Settlements;" and Ordinance No. 13 of 1892, intituled "An Ordinance to amend the Steam-vessels Ordinances, 1882 and 1887," have provided for the fixing, marking, and certifying of load lines on steam-ships registered in that possession;

And whereas it has been made to appear to Her Majesty the Queen that such provisions of the said enactments are based on the same principles as the provisions of "The Merchant Shipping Act, 1890," and are equally effective for ascertaining and determining the

* Vol. LXXXII, page 666.

maximum load lines to which steam-ships registered in that possession can be safely loaded in salt water, and for giving notice of the load line to the persons interested :

Now, therefore, Her Majesty, in exercise of the powers vested in her by "The Merchant Shipping Act, 1890," by and with the advice of her Privy Council, is pleased to declare, and doth hereby declare, that any load line fixed and marked, and any certificate given in pursuance of the said Ordinances, shall, with respect to steam-ships registered in the Straits Settlements, have the same effect as if it had been fixed, marked, or given in pursuance of "The Merchant Shipping Act, 1890."

C. L. PEEL.

BRITISH ORDER IN COUNCIL, prohibiting the Catching of Seals by British Ships in the Parts of the North Pacific Ocean specified in the Agreement with Russia of May 1893, from July 4, 1893, to January 1, 1894.—Windsor, July 4, 1893.*

At the Court at Windsor, the 4th day of July, 1893.

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY.

Lord President.

Lord Kensington.

Lord Steward.

Lord Vivian.

WHEREAS by "The Seal Fishery (North Pacific) Act, 1893."† it is enacted that Her Majesty the Queen may by Order in Council prohibit during the period specified by the Order the catching of seals by British ships in such parts of the seas to which that Act applies as are specified by the Order; and that for carrying into effect an arrangement with any foreign State an Order in Council may provide that such officers of that State as are specified in the Order may exercise the like powers under the Act as may be exercised by a commissioned officer on full pay in the naval service of Her Majesty in relation to a British ship, and the equipment and crew and certificate thereof; and that any such Order may contain any limitations, conditions, qualifications, and exceptions which appear to Her Majesty in Council expedient for carrying into effect the object of the said Act;

And whereas the said Act applies to the seas within that part of the Pacific Ocean known as Behring Sea, and within such other parts

of the North Pacific Ocean as are north of the 42nd parallel of north latitude;

And whereas an Arrangement has been made between Her Majesty the Queen and His Imperial Majesty the Emperor of Russia, whereby British ships engaged in hunting seals within such parts of the said seas as are hereinafter specified may be seized by Russian cruisers:

Now, therefore, Her Majesty, in virtue of the powers vested in her by the said recited Act, and of all other powers enabling her in that behalf, is hereby pleased, by and with the advice of her Privy Council, to order, and it is hereby ordered, as follows:—

1. From and after the 4th day of July, 1893, until the 1st day of January, 1894, the catching of seals by British ships is hereby prohibited within such parts of the seas to which the recited Act applies as are comprised within the following zones, that is to say: (1) a zone of 10 marine miles on all the Russian coasts of Behring Sea and the North Pacific Ocean, and (2) a zone of 30 marine miles round the Komandorski Islands and Tulénaw (Robben Island).

2. The powers which, under the recited Act, may be exercised by any commissioned officer on full pay in the naval service of Her Majesty may be exercised by the Captain or other officer in command of any war vessel of His Imperial Majesty the Emperor of Russia in relation to a British ship, and the equipment and crew and certificate thereof.

3. This Order may be cited as “The Seal Fishery (North Pacific) Order in Council, 1893.”

C. L. PEEL.

BRITISH ORDER IN COUNCIL, applying “The International Copyright Acts, 1844, to 1886,” to the Principality of Montenegro.—Windsor, May 16, 1893.

At the Court at Windsor, the 16th day of May, 1893.

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY.

Lord President.

Marquess of Ripon.

Mr. Secretary Asquith.

WHEREAS Her Majesty, by virtue of the authority committed to her by “The International Copyright Acts, 1844 to 1886,” and

having regard to the provisions of a Convention, the ratifications of which were exchanged on the 5th day of September, 1887,* between Her Majesty and the Governments of the foreign countries named in the said Order, was pleased to make an Order in Council, dated the 28th day of November, 1887,† with respect to the protection to be given by way of copyright to the authors of literary and artistic works first produced in one of the said foreign countries ;

And whereas it has been intimated to Her Majesty's Government that the Government of the Principality of Montenegro have notified the accession of that country to the said Convention ;

And whereas Her Majesty in Council is satisfied that the said Principality of Montenegro has made such provisions as it appears to Her Majesty expedient to require for the protection of authors of works first produced in Her Majesty's dominions :

Now, therefore, Her Majesty, by and with the advice of her Privy Council, and by virtue of the authority committed to her by the said Acts, doth declare, and it is hereby declared, that the provisions of the said Order hereinbefore specified shall extend to the said Principality of Montenegro.

This Order shall come into operation on and from the date hereof.

And the Lords Commissioners of Her Majesty's Treasury are to give the necessary orders herein accordingly.

C. L. PEEL.

BRITISH ORDER IN COUNCIL, respecting the Tonnage Measurement of Italian Vessels.—Windsor, November 23, 1893.

At the Court at Windsor, the 23rd day of November, 1893.

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by "The Merchant Shipping Act Amendment Act, 1862,"‡ it is enacted that whenever it is made to appear to Her Majesty that the rules concerning the measurement of tonnage of merchant-ships for the time being in force under "The Merchant Shipping Act, 1854," therein called the Principal Act, have been adopted by the Government of any foreign country, and are in force in that country, it shall be lawful for Her Majesty by Order in Council to direct that the ships of such foreign country shall be deemed to be of the tonnage denoted in their certificates of registry or other national papers, and thereupon it shall no longer be neces-

* Vol. LXXVII, page 22.

† Vol. LXXVIII, page 1015.

‡ Vol. LXVI, page 682.

sary for such ships to be remeasured in any port or place in Her Majesty's dominions, but such ships shall be deemed to be of the tonnage denoted on their certificates of registry or other papers in the same manner, to the same extent, and for the same purposes, in, to, and for which the tonnage denoted in the certificates of registry of British ships is to be deemed the tonnage of such ships ;

And whereas Her Majesty, by Order in Council dated the 30th day of September, 1873,* was pleased to direct that merchant, sailing, and steam-ships, belonging to the Kingdom of Italy, the measurement whereof had, after the 1st day of July, 1873, been ascertained and denoted in the registers and other national papers of such ships testified by the dates thereof, should be deemed to be of the tonnage denoted in their registers or other national papers, in the same manner, and to the same extent, and for the same purposes, in, to, and for which the tonnage denoted in the certificates of registry of British ships is deemed to be the tonnage of such ships ; provided, nevertheless, that if the owner or master of any Italian steam-ship should desire the deduction for engine-room in such ship to be estimated under the rules for engine-room measurement and deduction applicable to British ships instead of under the Italian rule, the engine-room should be measured and the deduction calculated according to the British rules ;

And whereas Her Majesty by Order in Council dated the 14th day of February, 1883,† was pleased to declare that (the rules for engine-room measurement and deduction applicable to the steam-ships of Italy having been modified by Royal Decree of His Majesty the King of Italy, dated the 30th day of July, 1882) the steam-ships of Italy, the certificates of Italian nationality and registry of which were dated on or after the 21st day of September, 1882, should be deemed to be of the tonnage denoted in the said certificates of Italian nationality and registry ;

And whereas it has been made to appear to Her Majesty that it is expedient that certain additions should be made to the provisions of the said last recited Order in Council in regard to the mode of estimating the net registered tonnage of Italian ships :

Now, therefore, Her Majesty, in virtue of the powers vested in her by the said recited Acts, and by and with the advice of her Privy Council, is further pleased to direct as follows, viz., that in the event of the net registered tonnage of Italian ships, estimated under the British rules, being denoted on their certificates of registry or other national papers, the same shall be deemed to be of the tonnage so denoted therein.

C. L. PEEL.

* Vol. LXV, page 648.

† Vol. LXXIV, page 888.

ACT of the British Parliament, to carry into effect an International Convention respecting the Liquor Traffic in the North Sea.

[56 & 57 Vict., c. 17.]

[June 29, 1893.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. The Convention set out in the Schedule to this Act (hereinafter referred to as the scheduled Convention) is, with the Protocol thereto annexed, hereby confirmed, and the Articles thereof shall be of the same force as if they were enacted in the body of this Act.

2. If within the North Sea limits but outside territorial waters any person on board or belonging to a British vessel supplies spirituous liquors to any person on board or belonging to a sea fishing-boat he shall be liable—

(a.) If the liquors are supplied in exchange for any article not belonging to the person supplied, to a fine not exceeding 50*l.*, or, in the discretion of the Court, to imprisonment for a term not exceeding three months, with or without hard labour; and

(b.) If the liquors are sold otherwise than by way of exchange for any such article, to a fine not exceeding 30*l.*, or, in the discretion of the Court, to imprisonment for a term not exceeding three months, with or without hard labour.

3. If within the North Sea limits but outside territorial waters any person on board or belonging to a British sea fishing-boat purchases spirituous liquors, he shall be liable—

(a.) If he gives any article not belonging to him in exchange for the liquors, to a fine not exceeding 50*l.*, or, in the discretion of the Court, to imprisonment for a term not exceeding three months, with or without hard labour; and

(b.) If he purchases the liquors otherwise than by way of exchange for any such article, to a fine not exceeding 10*l.*

4. If within the North Sea limits but outside territorial waters any person on board or belonging to a British vessel deals with any person on board or belonging to a sea fishing-boat in any provisions or other articles for his use, except spirituous liquors, without a licence granted in pursuance of Article III of the scheduled Convention, or without carrying on his vessel the mark agreed upon in pursuance of that Article, or in contravention of any conditions of a licence so granted, he shall be liable to a fine not exceeding 20*l.*, and his licence may be revoked.

5. Her Majesty the Queen may from time to time by Order in Council make regulations for any of the following purposes:—

(a.) For prescribing the mode in which licences under Article III of the scheduled Convention are to be granted, renewed, and revoked; and

(b.) For prescribing the mode of application for such licences, and the conditions under which, and the time for which, the licences are to be granted; and

(c.) Generally for giving effect to any of the provisions of this Act or any of the Articles of the scheduled Convention.

6. For the purpose of enforcing the provisions of this Act in the case of British and foreign vessels, whether within or beyond the North Sea limits, all British and foreign sea fishery officers respectively within the meaning of "The Sea Fisheries Act, 1883,"* shall have the same powers, and be entitled to the same protection, as they have and are entitled to for the purpose of enforcing the provisions of that Act in the case of British and foreign sea fishing-boats respectively.

Provided that in the case of a vessel not being either a sea fishing-boat or a vessel habitually employed in dealing with fishermen, the power of a sea fishery officer to take the vessel to any port shall not be exercised, unless the sea fishery officer is satisfied that its exercise is necessary for the suppression of grave disorder.

7. Sections 16, 18, 19, 20, 21, and 22 of "The Sea Fisheries Act, 1883," shall apply in the case of offences, fines, and legal proceedings under this Act in the same manner as they apply in the case of offences, fines, and legal proceedings under that Act, and in those sections as so applied the expression "sea fishing-boat" shall include any vessel.

8. Section 17 of "The Sea Fisheries Act, 1883," shall apply in the case of any formal statement drawn up in pursuance of Article VII of the scheduled Convention in the same manner as it applies in the case of any document drawn up in pursuance of the Convention set out in the first Schedule to that Act.

9. In this Act—

The expression "North Sea limits" shall mean the limits of the North Sea as fixed by Article IV of the Convention set out in the first Schedule to "The Sea Fisheries Act, 1883."

The expression "territorial waters" shall mean the territorial waters of Her Majesty's dominions as defined by "The Territorial Waters Jurisdiction Act, 1878."†

The expression "sea fishing-boat" shall have the same meaning as "The Sea Fisheries Act, 1883."

The expression "vessel" shall include ship, boat, lighter, and craft of every kind, whether navigated by steam or otherwise.

* Vol. LXXIV, page 199.

† Vol. LXIX, page 202.

The expression "spirituous liquors" shall include every liquid obtained by distillation and containing more than 5 per centum of alcohol.

10.—(1.) This Act shall come into force on such day as may be fixed by a notice in that behalf published in the "London Gazette."**

(2.) The provisions of this Act relating to the sea fishery officers of any foreign State bound by the Convention set out in the first Schedule to "The Sea Fisheries Act, 1883," shall continue in operation notwithstanding the termination of the operation of that Convention as respects that foreign State.

(3.) So much of this Act as has effect outside territorial waters shall, if the scheduled Convention ceases to be binding on Her Majesty, cease to apply to the vessels and officers of any foreign State bound by the scheduled Convention, but, subject as aforesaid, this Act shall continue in force notwithstanding the determination of the scheduled Convention.

(4.) A notification in the "London Gazette" shall be sufficient evidence of the adhesion of any foreign State to the scheduled Convention, and of the application of this Act to the vessels and officers of any foreign States.

11. "The North Sea Fisheries Act, 1888,"† is hereby repealed.

12. This Act may be cited as "The North Sea Fisheries Act, 1893."

SCHEDULE.

Convention respecting the Liquor Traffic in the North Sea.—Signed at the Hague, November 16, 1887.

[Vol. LXXIX, page 894.]

PROTOCOL.—Signed at the Hague, February 14, 1893.

[Vol. LXXIX, page 894.]

* The 23rd day of May, 1894, was fixed by Notification of April 11, 1894; inserted in the "London Gazette" of April 13, 1894.

† Vol. LXXIX, page 1057.

ACT of the British Parliament, to provide for prohibiting the Catching of Seals at certain periods in Behring Sea and other parts of the Pacific Ocean adjacent to Behring Sea.

[56 & 57 Vict., c. 23.]

[June 29, 1893.]

WHEREAS it is expedient to extend "The Sea Fishery (Behring Sea) Act, 1891,"* to other waters of the North Pacific Ocean adjacent to Behring Sea, and for that purpose to repeal and re-enact that Act :

Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

1.—(1.) Her Majesty the Queen may, by Order in Council, prohibit during the period specified by the Order, the catching of seals by British ships in such parts of the seas to which this Act applies as are specified by the Order.

(2.) While an Order in Council under this Act is in force—

(a.) A person belonging to a British ship shall not kill, take, or hunt, or attempt to kill or take, any seal during the period and within the seas specified by the Order ; and

(b.) A British ship shall not, nor shall any of the equipment or crew thereof, be used or employed in such killing, taking, hunting, or attempt.

(3.) If there is any contravention of this Act, any person committing, procuring, aiding, or abetting such contravention shall be guilty of a misdemeanour within the meaning of "The Merchant Shipping Act, 1854," and the ship and her equipment, and everything on board thereof, shall be liable to be forfeited to Her Majesty as if an offence had been committed under section 103 of the said Act, and the provisions of sections 103 and 104 and Part X of the said Act, and of section 34 of "The Merchant Shipping Act, 1876," (which are set out in the Schedule to this Act) shall apply as if they were herein re-enacted, and in terms made applicable to an offence and forfeiture under this Act, and any commissioned officer on full pay in the naval service of Her Majesty the Queen may seize the ship's certificate of registry.

(4.) Any commissioned officer on full pay in the naval service of Her Majesty the Queen shall have power, during the period and in the seas specified by the Order, to stop and examine any British ship, and to detain her, or any portion of her equipment, or any of her crew, if in his judgment the ship is being or is preparing to be used or employed in contravention of this Act.

(5.) For carrying into effect an arrangement with any foreign State, an Order in Council under this Act may provide that such officers of that State as are specified in the Order may exercise the like powers under this Act as may be exercised by such a commissioned officer as aforesaid in relation to a British ship, and the equipment and crew and certificate thereof, and that such British officers as are specified in the Order may exercise, with the necessary modifications, the powers conferred by this Act in relation to a ship of the said foreign State, and the equipment and crew and papers thereof.

(6.) If during the period and within the seas specified by the Order a British ship is found having on board thereof fishing or shooting implements or seal-skins or bodies of seals, it shall lie on the owner or master of such ship to prove that the ship was not used or employed in contravention of this Act.

2.—(1.) Where an officer has power under this Act to seize a ship's certificate of registry, he may either retain the certificate and give a provisional certificate in lieu thereof, or return the certificate with an indorsement of the grounds on which it was seized, and in either case may direct the ship, by an addition to the provisional certificate or to the indorsement, to proceed forthwith to a specified port, being a port where there is a British Court having authority to adjudicate in the matter, and if this direction is not complied with, the owner and master of the ship shall, without prejudice to any other liability, each be liable to a fine not exceeding 100*l*.

(2.) Where in pursuance of this section a provisional certificate is given to a ship, or the ship's certificate is indorsed, any officer of Customs in Her Majesty's dominions or British Consular officer may detain the ship until satisfactory security is given for her appearance in any legal proceedings which may be taken against her in pursuance of this Act.

3.—(1.) A statement in writing, purporting to be signed by an officer having power in pursuance of this Act to stop and examine a ship, as to the circumstances under which or grounds on which he stopped and examined the ship, shall be admissible in any proceedings, civil or criminal, as evidence of the facts or matters therein stated.

(2.) If evidence contained in any such statement was taken on oath in the presence of the person charged in the evidence, and that person had an opportunity of cross-examining the person giving the evidence and of making his reply to the evidence, the officer making the statement may certify that the evidence was so taken and that there was such opportunity as aforesaid.

4.—(1.) Her Majesty the Queen in Council may make, revoke,

and alter Orders for the purpose of this Act, and every such Order shall be forthwith laid before both Houses of Parliament and published in the "London Gazette."

(2.) Any such Order may contain any limitations, conditions, qualifications, and exceptions which appear to Her Majesty in Council expedient for carrying into effect the object of this Act

5.—(1.) This Act shall apply to the animal known as the fur seal, and to any marine animal specified in that behalf by an Order in Council under this Act, and the expression "seal" in this Act shall be construed accordingly.

(2.) This Act shall apply to the seas within that part of the Pacific Ocean known as Behring Sea and within such other parts of the Pacific Ocean as are north of the 42nd parallel of north latitude.

(3.) The expression "equipment" in this Act includes any boat, tackle, fishing, or shooting instruments, and other things belonging to a ship.

(4.) This Act may be cited as "The Seal Fishery (North Pacific) Act, 1893."

(5.) "The Seal Fishery (Behring Sea) Act, 1891," is hereby repealed, but any Order in Council in force under that Act shall continue as if it had been made in pursuance of this Act.

(6.) This Act shall be and remain in force until the 1st day of July, 1895.

SCHEDULE.

Enactments of Merchant Shipping Act (17 & 18 Vict., c. 104) applied.

SECTION 103. * * * * *

And in order that the above provisions as to forfeitures may be carried into effect, it shall be lawful for any commissioned officer on full pay in the military or naval service of Her Majesty, or any British officer of Customs, or any British Consular officer, to seize and detain any ship which has, either wholly or as to any share therein, become subject to forfeiture as aforesaid, and to bring her for adjudication before the High Court of Admiralty in England or Ireland, or any Court having Admiralty jurisdiction in Her Majesty's dominions; and such Court may thereupon make such order in the case as it may think fit, and may award to the officer bringing in the same for adjudication such portion of the proceeds of the sale of any forfeited ship or share as it may think right.

Sec. 104. No such officer as aforesaid shall be responsible, either civilly or criminally, to any person whomsoever, in respect of the seizure or detention of any ship that has been seized or detained by him in pursuance of the provisions herein contained, notwithstanding that such ship is not brought in for adjudication, or, if so brought in, is declared not to be liable to forfeiture, if it is shown to the satisfaction of the Judge or Court before whom any trial relating to such ship or such seizure or detention is held that there were reasonable grounds for such seizure or detention; but if no such grounds are shown, such

Judge or Court may award payment of costs and damages to any party aggrieved, and make such other order in the premises as it thinks just.

PART X.—LEGAL PROCEDURE.

Application.

Sec. 517. Part X of this Act shall, in all cases where no particular country is mentioned, apply to the whole of Her Majesty's dominions.

Legal Procedure (General).

Sec. 518. In all places within Her Majesty's dominions, except Scotland, the offences hereinafter mentioned shall be punished and penalties recovered in manner following; that is to say:—

(1.) Every offence by this Act declared to be a misdemeanour shall be punishable by fine or imprisonment with or without hard labour, and the Court before which such offence is tried may, in England, make the same allowances and order payment of the same costs and expenses as if such misdemeanour had been enumerated in the Act passed in the seventh year of His late Majesty King George IV, cap. 64, or any other Act that may be passed for the like purpose, and may, in any other part of Her Majesty's dominions, make such allowances and order payment of such costs and expenses (if any) as are payable or allowable upon the trial of any misdemeanour under any existing Act or Ordinance, or as may be payable or allowable under any Act or Law for the time being in force therein.

(2.) Every offence declared by this Act to be a misdemeanour shall also be deemed to be an offence hereby made punishable by imprisonment for any period not exceeding six months, with or without hard labour, or by a penalty not exceeding 100*l.*, and may be prosecuted accordingly in a summary manner, instead of being prosecuted as a misdemeanour.

(3.) Every offence hereby made punishable by imprisonment for any period not exceeding six months, with or without hard labour, or by any penalty not exceeding 100*l.*, shall in England and Ireland be prosecuted summarily before any two or more Justices, as to England in the manner directed by the Act of the eleventh and twelfth years of the reign of Her Majesty Queen Victoria, cap. 43, and as to Ireland in the manner directed by the Act of the fourteenth and fifteenth years of the reign of Her Majesty Queen Victoria, cap. 93, or in such other manner as may be directed by any Act or Acts that may be passed for like purposes: And all provisions contained in the said Acts shall be applicable to such prosecutions in the same manner as if the offences in respect of which the same are instituted were hereby stated to be offences in respect of which two or more Justices have power to convict summarily or to make a summary order.

(4.) In all cases of summary convictions in England, where the sum adjudged to be paid exceeds 5*l.*, or the period of imprisonment adjudged exceeds one month, any person who thinks himself aggrieved by such conviction may appeal to the next Court of General or Quarter Sessions.

(5.) All offences under this Act shall, in any British possession, be punishable in any Court or by any Justice of the Peace or Magistrate in which or by whom offences of a like character are ordinarily punishable, or in such other manner, or by such other Courts, Justices, or Magistrates as may from time to time be determined by any Act or Ordinance duly made in such possession in

such manner as Acts and Ordinances in such possession are required to be made in order to have the force of law.

Sec. 519. Any Stipendiary Magistrate shall have full power to do alone whatever two Justices of the Peace are by this Act authorized to do.

Sec. 520. For the purpose of giving jurisdiction under this Act, every offence shall be deemed to have been committed, and every cause of complaint to have arisen, either in the place in which the same actually was committed or arose, or in any place in which the offender or person complained against may be.

Sec. 521. In all cases where the district within which any Court or Justice of the Peace or other Magistrate has jurisdiction, either under this Act or under any other Act, or at common law, for any purpose whatever, is situate on the coast of any sea, or abutting on or projecting into any bay, channel, lake, river, or other navigable water, every such Court, Justice of the Peace, or Magistrate shall have jurisdiction over any ship or boat being on or lying or passing off such coast, or being in or near such bay, channel, lake, river, or navigable water as aforesaid, and over all persons on board such ship or boat, or for the time being belonging thereto, in the same manner as if such ship, boat, or persons were within the limits of the original jurisdiction of such Court, Justice, or Magistrate.

Sec. 522. Service of any summons or other matter in any legal proceeding under this Act shall be good service if made personally on the person to be served, or at his last place of abode, or if made by leaving such summons for him on board any ship to which he may belong with the person being or appearing to be in command or charge of such ship.

Sec. 523. In all cases where any Court, Justice or Justices of the Peace, or other Magistrate, has or have power to make an order directing payment to be made of any seaman's wages, penalties, or other sums of money, then, if the party so directed to pay the same is the master or owner of a ship, and the same is not paid at the time and in manner prescribed in the order, the Court, Justice or Justices, or other Magistrate, who made the order, may, in addition to any other powers they or he may have for the purpose of compelling payment, direct the amount remaining unpaid to be levied by distress or poinding and sale of the said ship, her tackle, furniture, and apparel.

Sec. 524. Any Court, Justice, or Magistrate imposing any penalty under this Act, for which no specific application is herein provided, may, if it or he thinks fit, direct the whole or any part thereof to be applied in compensating any person for any wrong or damage which he may have sustained by the act or default in respect of which such penalty is imposed, or to be applied in or towards payment of the expenses of the proceedings; and, subject to such directions or specific application as aforesaid, all penalties recovered in the United Kingdom shall be paid into the receipt of Her Majesty's Exchequer in such manner as the Treasury may direct, and shall be carried to and form part of the Consolidated Fund of the United Kingdom; and all penalties recovered in any British possession shall be paid over into the Public Treasury of such possession, and form part of the public revenue thereof.

Sec. 525. The time for instituting summary proceedings under this Act shall be limited as follows; that is to say:—

(1.) No conviction for any offence shall be made under this Act in any summary proceeding instituted in the United Kingdom, unless such proceeding is commenced within six months after the commission of the offence; or, if both or either of the parties to such proceeding happen during such time to be out of

the United Kingdom, unless the same is commenced within two months after they both first happen to arrive or to be at one time within the same.

(2.) No conviction for any offence shall be made under this Act in any proceeding instituted in any British possession unless such proceeding is commenced within six months after the commission of the offence; or, if both or either of the parties to the proceeding happen during such time not to be within the jurisdiction of any Court capable of dealing with the case, unless the same is commenced within two months after they both first happen to arrive or to be at one time within such jurisdiction.

(3.) No order for the payment of money shall be made under this Act in any summary proceeding instituted in the United Kingdom, unless such proceeding is commenced within six months after the cause of complaint arises; or, if both or either of the parties happen during such time to be out of the United Kingdom, unless the same is commenced within six months after they both first happen to arrive or to be at one time within the same.

(4.) No order for the payment of money shall be made under this Act in any summary proceeding instituted in any British possession, unless such proceeding is commenced within six months after the cause of complaint arises; or, if both or either of the parties to the proceeding happen during such time not to be within the jurisdiction of any Court capable of dealing with the case, unless the same is commenced within six months after they both first happen to arrive or be at one time within such jurisdiction.

And no provision contained in any other Act or Acts, Ordinance or Ordinances, for limiting the time within which summary proceedings may be instituted shall affect any summary proceeding under this Act.

Sec. 526. Any document required by this Act to be executed in the presence of or to be attested by any witness or witnesses, may be proved by the evidence of any person who is able to bear witness to the requisite facts without calling the attesting witness or witnesses or any of them.

Sec. 527. Whenever any injury has, in any part of the world, been caused to any property belonging to Her Majesty or to any of Her Majesty's subjects by any foreign ship, if at any time thereafter such ship is found in any port or river of the United Kingdom or within three miles of the coast thereof, it shall be lawful for the Judge of any Court of Record in the United Kingdom, or for the Judge of the High Court of Admiralty, or in Scotland the Court of Session, or the Sheriff of the county within whose jurisdiction such ship may be, upon its being shown to him by any person applying summarily that such injury was probably caused by the misconduct or want of skill of the master or mariners of such ship, to issue an order directed to an officer of Customs or other officer named by such Judge, requiring him to detain such ship until such time as the owner, master, or consignee thereof has made satisfaction in respect of such injury, or has given security, to be approved by the Judge, to abide the event of any action, suit, or other legal proceeding that may be instituted in respect of such injury, and to pay all costs and damages that may be awarded thereon; and any officer of Customs or other officer to whom such order is directed shall detain such ship accordingly.

Sec. 528. In any case where it appears that before any application can be made under the foregoing section such foreign ship will have departed beyond the limits therein mentioned, it shall be lawful for any commissioned officer on full pay in the military or naval service of Her Majesty, or any British officer of Customs, or any British Consular officer, to detain such ship until such time as will allow such application to be made and the result thereof to be commu-

nicated to him; and no such officer shall be liable for any costs or damages in respect of such detention unless the same is proved to have been made without reasonable grounds.

Sec. 529. In any action, suit, or other proceeding in relation to such injury, the person so giving security as aforesaid shall be made defendant or defender, and shall be stated to be the owner of the ship that has occasioned such damage; and the production of the order of the Judge made in relation to such security shall be conclusive evidence of the liability of such defendant or defender to such action, suit, or other proceeding.

Legal Procedure (Scotland).

Sec. 530. In Scotland every offence which by this Act is described as a felony or misdemeanour may be prosecuted by indictment or criminal letters at the instance of Her Majesty's Advocate before the High Court of Justiciary, or by criminal libel at the instance of the Procurator Fiscal of the county before the Sheriff, and shall be punishable with fine and with imprisonment, with or without hard labour in default of payment, or with imprisonment, with or without hard labour, or with both, as the Court may think fit, or in the case of felony with penal servitude, where the Court is competent thereto; and such Court may also, if it thinks fit, order payment by the offender of the costs and expenses of the prosecution.

Sec. 531. In Scotland, all prosecutions, complaints, actions, or proceedings under this Act, other than prosecutions for felonies or misdemeanours, may be brought in a summary form before the Sheriff of the county, or before any two Justices of the Peace of the county or burgh where the cause of such prosecution or action arises, or where the offender or defender may be for the time, and when of a criminal nature or for penalties, at the instance of the Procurator Fiscal of Court, or at the instance of any party aggrieved, with concurrence of the Procurator Fiscal of Court; and the Court may, if it think fit, order payment by the offender or defender of the costs of the prosecution or action.

Sec. 532. In Scotland all prosecutions, complaints, actions, or other proceedings under this Act may be brought either in a written or printed form, or partly written and partly printed, and where such proceedings are brought in a summary form it shall not be necessary in the complaint to recite or set forth the clause or clauses of the Act on which such proceeding is founded, but it shall be sufficient to specify or refer to such clause or clauses, and to set forth shortly the cause of complaint or action, and the remedy sought; and when such complaint or action is brought in whole or in part for the enforcement of a pecuniary debt or demand, the complaint may contain a prayer for warrant to arrest upon the dependence.

Sec. 533. In Scotland, on any complaint or other proceeding brought in a summary form under this Act being presented to the Sheriff clerk or clerk of the peace, he shall grant warrant to cite the defender to appear personally before the said Sheriff or Justices of the Peace on a day fixed, and at the same time shall appoint a copy of the same to be delivered to him by a Sheriff officer or constable, as the case may be, along with the citation; and such deliverance shall also contain a warrant for citing witnesses and havers to compare at the same time and place to give evidence and produce such writs as may be specified in their citation; and where such warrant has been prayed for in the complaint or other proceeding, the deliverance of the Sheriff clerk or clerk of the peace

shall also contain warrant to arrest upon the dependence in common form: Provided always, that where the apprehension of any party, with or without a warrant, is authorized by this Act, such party may be detained in custody until he can be brought at the earliest opportunity before any two Justices, or the Sheriff who may have jurisdiction in the place, to be dealt with as this Act directs, and no citation or induciæ shall in such case be necessary.

Sec. 534. When it becomes necessary to execute such arrestment on the dependence against goods or effects of the defender within Scotland, but not locally situated within the jurisdiction of the Sheriff or Justices of the Peace by whom the warrant to arrest has been granted, it shall be competent to carry the warrant into execution on its being indorsed by the Sheriff clerk or clerk of the peace of the county or burgh respectively within which such warrant comes to be executed.

Sec 535. In all proceedings under this Act in Scotland the Sheriff or Justices of the Peace shall have the same power of compelling attendance of witnesses and havers as in cases falling under their ordinary jurisdiction.

Sec. 536. The whole procedure in cases brought in a summary form before the Sheriff or Justices of the Peace in Scotland shall be conducted *virâ voce*, without written pleadings, and without taking down the evidence in writing, and no record shall be kept of the proceedings other than the complaint, and the sentence or decree pronounced thereon.

Sec. 537. It shall be in the power of the Sheriff or Justices of the Peace in Scotland to adjourn the proceedings from time to time to any day or days to be fixed by them, in the event of absence of witnesses or of any other cause which shall appear to them to render such adjournment necessary.

Sec. 538. In Scotland all sentences and decrees to be pronounced by the Sheriff or Justices of the Peace upon such summary complaints shall be in writing; and where there is a decree for payment of any sum or sums of money against a defender, such decree shall contain warrant for arrestment, poinding, and imprisonment in default of payment, such arrestment, poinding, or imprisonment to be carried into effect by Sheriffs' officers or constables, as the case may be, in the same manner as in cases arising under the ordinary jurisdiction of the Sheriff or Justices: Provided always, that nothing herein contained shall be taken or construed to repeal or affect an Act of the fifth and sixth years of William IV, intituled "An Act for Abolishing, in Scotland, Imprisonment for Civil Debts of Small Amount."

Sec. 539. In all summary complaints and proceedings for recovery of any penalty or sum of money in Scotland, if a defender who has been duly cited shall not appear at the time and place required by the citation, he shall be held as confessed, and sentence or decree shall be pronounced against him in terms of the complaint, with such costs and expenses as to the Court shall seem fit: Provided always, that he shall be entitled to obtain himself reponed against any such decree, at any time before the same be fully implemented, by lodging with the Clerk of Court a reponing note, and consigning in his hands the sum decerned for, and the costs which had been awarded by the Court, and on the same day delivering or transmitting through the post to the pursuer or his agent a copy of such reponing note; and a certificate by the Clerk of Court of such note having been lodged shall operate as a sist of diligence till the cause shall have been reheard and finally disposed of, which shall be on the next sitting of the Court, or on any day to which the Court shall then adjourn it.

Sec. 540. In all summary complaints or other proceedings not brought for the recovery of any penalty or sum of money in Scotland, if a defender, being

duly cited, shall fail to appear, the Sheriff or Justices may grant warrant to apprehend and bring him before the Court.

Sec. 541. In all cases where sentences or decrees of the Sheriff or Justices require to be enforced within Scotland, but beyond the jurisdiction of the Sheriff or Justices by whom such sentences or decrees have been pronounced, it shall be competent to carry the same into execution upon the same being indorsed by the Sheriff clerk or clerk of the peace of the county or burgh within which such execution is to take place.

Sec. 542. No order, decree, or sentence pronounced by any Sheriff or Justice of the Peace in Scotland under the authority of this Act shall be quashed or vacated for any misnomer, informality, or defect of form; and all orders, decrees, and sentences so pronounced shall be final and conclusive, and not subject to suspension, advocacy, reduction, or to any form of review or stay of execution, except on the ground of corruption or malice on the part of the Sheriff or Justices, in which case the suspension, advocacy, or reduction must be brought within fourteen days of the date of the order, decree, or sentence complained of: Provided always, that no stay of execution shall be competent to the effect of preventing immediate execution of such order, decree, or sentence.

Sec. 543. Such of the general provisions with respect to jurisdiction, procedure, and penalties contained in this Act as are not inconsistent with the special rules hereinbefore laid down for the conduct of legal proceedings and the recovery of penalties in Scotland shall, so far as the same are applicable, extend to such last-mentioned proceedings and penalties: Provided always, that nothing in this Act contained shall be held in any way to annul or restrict the common law of Scotland with regard to the prosecution or punishment of offences at the instance or by the direction of the Lord Advocate, or the rights of owners or creditors in regard to enforcing a judicial sale of any ship and tackle, or to give to the High Court of Admiralty of England any jurisdiction in respect of salvage in Scotland which it has not heretofore had or exercised.

Enactment of "Merchant Shipping Act, 1876" (39 & 40 Vict., c. 80), applied.

SECTION 34. Where under the Merchant Shipping Acts, 1854 to 1876, or any of them, a ship is authorized or ordered to be detained, any commissioned officer on full pay in the naval or military service of Her Majesty, or any officer of the Board of Trade or Customs, or any British Consular officer, may detain the ship, and if the ship after such detention, or after service on the master of any notice of or order for such detention, proceeds to sea before it is released by competent authority, the master of the ship, and also the owner, and any person who sends the ship to sea, if such owner or person be party or privy to the offence, shall forfeit and pay to Her Majesty a penalty not exceeding 100*l*.

Where a ship so proceeding to sea takes to sea when on board thereof in the execution of his duty any officer authorized to detain the ship, or any surveyor or officer of the Board of Trade or Customs, the owner and master of the ship shall each be liable to pay all expenses of and incidental to the officer or surveyor being so taken to sea, and also a penalty not exceeding 100*l*., or, if the offence is not prosecuted in a summary manner, not exceeding 10*l*. for every day until the officer or surveyor returns, or until such time as would enable him after leaving the ship to return to the port from which he is taken, and such expenses may be recovered in like manner as the penalty.

*ACT of the British Parliament, for the Publication of
Statutory Rules.*

[56 & 57 Vict., c. 66.]

[December 21, 1893.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

1.—(1.) At least forty days before making any statutory rules to which this section applies, notice of the proposal to make the rules, and of the place where copies of the draft rules may be obtained, shall be published in the “London Gazette.”

(2.) During those forty days any public body may obtain copies of such draft rules on payment of a sum not exceeding 3*d.* per folio, and any representations or suggestions made in writing by a public body interested to the authority proposing to make the rules shall be taken into consideration by that authority before finally settling the rules; and on the expiration of those forty days the rules may be made by the rule-making authority, either as originally drawn or as amended by such authority, and shall come into operation forthwith or at such time as may be prescribed in the rules.

(3.) Any enactment which provides that any statutory rules to which this section applies shall not come into operation for a specified period after they are made is hereby repealed, but this repeal shall not affect section 37 of “The Interpretation Act, 1889.”*

(4.) The statutory rules to which this section applies are those made in pursuance of any Act of Parliament which directs the statutory rules to be laid before Parliament, but do not include any statutory rules if the same or a draft thereof are required to be laid before Parliament for any period before the rules come into operation, nor do they include rules made by the Local Government Board for England or Ireland, the Board of Trade, or the Revenue Department, or by or for the purposes of the Post Office; nor rules made by the Board of Agriculture under “The Contagious Diseases (Animals) Act, 1878,” and the Acts amending the same.

(5.) This section shall not apply to Scotland.

(6.) In the case of any rules which it is proposed shall extend to Ireland, publication in the “Dublin Gazette” of the notice required by this section shall be requisite in addition to, or, if they extend to Ireland only, in lieu of, publication in the “London Gazette.”

2. Where a rule-making authority certifies that on account of urgency or any special reason any rule should come into immediate operation, it shall be lawful for such authority to make any such rules to come into operation forthwith as provisional rules, but such provisional rules shall only continue in force until rules have been made in accordance with the foregoing provisions of this Act.

3.—(1.) All statutory rules made after the 31st day of December next after the passing of this Act shall forthwith after they are made be sent to the Queen's printer of Acts of Parliament, and shall, in accordance with regulations made by the Treasury with the concurrence of the Lord Chancellor and the Speaker of the House of Commons, be numbered, and (save as provided by the regulations) printed, and sold by him.

(2.) Any statutory rules may, without prejudice to any other mode of citation, be cited by the number so given as above mentioned and the calendar year.

(3.) Where any statutory rules are required by any Act to be published or notified in the London, Edinburgh, or Dublin "Gazette," a notice in the "Gazette" of the rules having been made and of the place where copies of them can be purchased shall be sufficient compliance with the said requirement.

(4.) Regulations under this section may provide for the different treatment of statutory rules which are of the nature of public Acts, and of those which are of the nature of local and personal or private Acts, and may determine the classes of cases in which the exercise of a statutory power by any rule-making authority constitutes or does not constitute the making of a statutory rule within the meaning of this section, and may provide for the exemption from this section of any such classes.

(5.) In the making of such regulations, each Government department concerned shall be consulted, and due regard had to the views of that department.

4. In this Act—

"Statutory rules" means rules, regulations, or bye-laws made under any Act of Parliament which—

(a.) Relate to any Court in the United Kingdom, or to the procedure, practice, costs, or fees therein, or to any fees or matters applying generally throughout England, Scotland, or Ireland; or

(b.) Are made by Her Majesty in Council, the Judicial Committee, the Treasury, the Lord Chancellor of Great Britain, or the Lord Lieutenant or the Lord Chancellor of Ireland, or a Secretary of State, the Admiralty, the Board of Trade, the Local Government Board for England or Ireland, the Chief Secretary for Ireland, or any other Government department.

“Rule-making authority” includes every authority authorized to make any statutory rules.

5. This Act may be cited as “The Rules Publication Act, 1893.”

*BRITISH LETTERS PATENT, constituting the Office of Governor and Commander-in-chief of the Colony of Natal.— Westminster, July 20, 1893.**

VICTORIA, by the grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, Empress of India: to all to whom these presents shall come, greeting.

WHEREAS by our Letters Patent under the Great Seal of the United Kingdom of Great Britain and Ireland, bearing date the 15th day of July, 1856, we did erect the district of Natal into a separate Colony, to be called the Colony of Natal;

And whereas by the said Letters Patent and by certain other several Letters Patent under the said Great Seal bearing date respectively the 22nd day of December, 1869, the 22nd day of May, 1872, and the 27th day of October, 1890, we did make provision for the government of our said Colony;

And whereas an alteration in the Constitution of our said Colony has been effected by a Law of the Colony styled the Constitution Act of 1893:

Now we do by these presents revoke our said recited Letters Patent, but without prejudice to anything lawfully done thereunder, reserving nevertheless to ourselves, our heirs and successors, full power to disallow any law passed by the Legislature of our said Colony, and to signify such disallowance through one of our Principal Secretaries of State at any time within two years after an authentic copy of such law shall have been received by us or by one of our Principal Secretaries of State. And we do further hereby declare our will and pleasure as follows:—

2. There shall be a Governor and Commander-in-chief in and over our Colony of Natal (hereinafter called the Colony), and appointments to the said office shall be made by Commission under our sign-manual and signet.

3. We do hereby authorize, empower, and command our said Governor and Commander-in-chief (hereinafter called the Governor) to do and execute all things that belong to his said office, and to

* Notified in the “London Gazette” of August 1, 1893.

exercise the powers and authorities vested in him by the said Constitution Act of 1893, or by any other Act adding to, amending, or substituted for the same, and by these our Letters Patent, or by any other our Letters Patent adding to, amending, or substituted for the same, and by such Commission as may be issued to him under our sign-manual and signet, and according to such instructions as may from time to time be given to him under our sign-manual and signet or by our order in our Privy Council or by us through one of our Principal Secretaries of State, and to such laws as are now or shall hereafter be in force in the Colony.

4. Every person appointed to fill the office of Governor shall, with all due solemnity, before entering on any of the duties of his office, cause the Commission appointing him to be Governor to be read and published at the seat of Government, in the presence of the Chief Justice or some other Judge of the Supreme Court of the Colony and of the Members of the Executive Council thereof; which being done, he shall then and there take before them the oath of allegiance in the form provided by an Act passed in the Session holden in the thirty-first and thirty-second years of our reign, intituled "An Act to amend the Law relating to Promissory Oaths;" and likewise the usual oath for the due execution of the office of Governor, and for the due and impartial administration of justice; which oaths the said Chief Justice or Judge is hereby required to administer.

5. The Governor shall keep and use the Public Seal of the Colony for sealing all things whatsoever that shall pass the said Public Seal.

6. There shall be an Executive Council for the Colony, and the said Council shall consist of such persons as may at any time be members thereof in accordance with any law of the Colony, and of such other persons as the Governors shall, from time to time, in our name and on our behalf, but subject to any law as aforesaid, appoint under the Public Seal of the Colony to be members of our said Executive Council.

7. The Governor, in our name and on our behalf, may make and execute under the said Public Seal, grants and dispositions of lands within the Colony, subject to the laws in force for the time being for regulating the sale or disposal of Crown lands.

8. The Governor may constitute and appoint, in our name and on our behalf, all such Judges, Commissioners, Justices of the Peace, and other necessary officers and Ministers in the Colony, as may be lawfully constituted or appointed by us.

9. When any crime has been committed within the Colony, or for which the offender may be tried therein, the Governor may, as he shall see occasion, in our name and on our behalf, grant a pardon

to any accomplice in such crime who shall give such information as shall lead to the conviction of the principal offender, or of any one of such offenders, if more than one; and further, may grant to any offender convicted in any Court, or before any Judge or other Magistrate within the Colony, a pardon either free or subject to lawful conditions, or any remission of the sentence passed on such offender, or any respite of the execution of such sentence for such period as the Governor thinks fit; and further may remit any fines, penalties, or forfeitures due or accrued to us. Provided always that the Governor shall in no case, except where the offence has been of a political nature unaccompanied by any other great crime, make it a condition of any pardon or remission of sentence that the offender shall absent himself or be removed from the Colony.

10. The Governor may, so far as we ourselves lawfully may, upon sufficient cause to him appearing, remove from his office, or suspend from the exercise of the same, any person holding any office or place within the Colony under or by virtue of any Commission or warrant or other instrument granted, or which may be granted by us or in our name or under our authority.

11. The Governor may exercise all powers lawfully belonging to us in respect of the summoning, proroguing, or dissolving any Legislative Body, which now is or hereafter may be established within the Colony, and in respect of the appointment of members thereto.

12. In the event of the office of the Governor becoming vacant, or of the Governor being incapable, or of his departure from the Colony, our Lieutenant-Governor, or if there be no such officer in the Colony, then such person or persons as we may appoint under our sign-manual and signet, shall, during our pleasure, administer the Government of the Colony, first taking the oaths hereinbefore directed to be taken by the Governor and in the manner herein prescribed; which, being done, we do hereby authorize, empower, and command our Lieutenant-Governor, and every other such Administrator as aforesaid, to do and execute, during our pleasure, all things that belong to the office of Governor and Commander-in-chief, according to the tenour of these our Letters Patent and according to our instructions as aforesaid and the laws of the Colony.

13. Whenever and so often as the Governor shall be temporarily absent from the Colony in pursuance of any instructions from us through one of our Principal Secretaries of State, or in the execution of any Letters Patent or any Commission under our sign-manual and signet appointing him to be our High Commissioner or Special Commissioner for any territories in South Africa with which it may be expedient that we should have relations, or appointing

him to be Governor or to administer the Government of any colony, province, or territory adjacent or contiguous to the Colony, or shall be absent from the Colony for the purpose of visiting the Governor of our Colony of the Cape of Good Hope, or of visiting some neighbouring State, for a period not exceeding one month, then and in every such case the Governor may continue to exercise all and every the powers vested in him by these our Letters Patent, or by any instructions from us, as fully as if he were residing within the Colony.

14. In the event of any such temporary absence of the Governor from the Colony, he may, by an instrument under the Public Seal of the Colony, constitute and appoint any person to be his Deputy during such temporary absence, and in that capacity to exercise, during his pleasure, all the powers and authorities vested in the Governor as aforesaid, or such of them as shall in and by such instrument be specified and limited. Provided, nevertheless, that by the appointment of a Deputy as aforesaid, the power and authority of the Governor shall not be abridged, altered, or in any way affected, otherwise than we may at any time hereafter think proper to direct.

15. And we do hereby require and command all our officers and Ministers, civil and military, and all other the inhabitants of the Colony, to be obedient, aiding, and assisting unto the Governor or to such person or persons as may from time to time, under the provisions of these our Letters Patent, administer the Government of the Colony.

16. In the construction of these our Letters Patent, the term "Governor," unless inconsistent with the context, shall include every person for the time being administering the Government of the Colony.

17. And we do hereby reserve to ourselves, our heirs and successors, full power and authority from time to time to revoke, alter, and amend these our Letters Patent as to us or them shall seem meet.

18. And we do direct and enjoin that these our Letters Patent shall be read and proclaimed at such place or places within the Colony as the Governor shall think fit.

In witness whereof we have caused these our letters to be made patent.

Witness ourself at Westminster, the 20th day of July, in the 57th year of our reign.

By warrant under the Queen's sign-manual.

MUIR MACKENZIE.

REGULATION made by Her Majesty's Assistant High Commissioner for the Western Pacific, to prohibit the Supply of Arms, Ammunition, and Explosive Substances to Natives of the Western Pacific Islands.

[No. 1.]

[April 5, 1893.]

(L.S.) H. S. BERKELEY.

1. IN this Regulation the expression "Western Pacific" means and includes any of the following islands or places, namely :—

(1.) The groups of islands known as—

The Union Islands.

The Phoenix Islands.

The Ellice Islands.

The Gilbert Islands.

The Solomon Islands not included in the German Protectorate.

The Santa Cruz Islands.

(2.) All other islands in the Western Pacific Ocean (with the exception of the Tongan and Samoan Islands) not being within the limits of the Colonies of Fiji, Queensland, or New South Wales, and not being within the jurisdiction of any civilized Power.

The expression "the waters of the Western Pacific Islands" means the waters within three miles of any of the islands or places included in the Western Pacific Islands.

The word "arms" means every kind of fire-arms, and any part or parts of fire-arms.

The word "ammunition" means every kind of ammunition for fire-arms and any material for the preparation thereof.

The expression "explosive substance" means gunpowder, nitro-glycerine, dynamite, gun-cotton, blasting-powder, and every other substance used or manufactured with a view to produce a practical effect by explosion.

The word "native" shall mean and include any native of any island in the Pacific Ocean other than a person of European descent.

2. British vessels within the waters of the Western Pacific Islands shall not carry arms or ammunition. But this prohibition shall not be held to prevent or forbid the carriage by any such vessel for the protection of the same and of the persons therein, and otherwise for the ordinary lawful purposes of such vessel, of arms and ammunition in quantities not exceeding those herein specified, viz. :—

One rifle or shot-gun and one pistol for every member of the crew of such vessel, whose names shall be on the articles, and for every *bond fide* passenger (other than a native) on board such vessel.

One hundred rounds of ammunition for every such rifle, shot-gun, or pistol on board ;

Cannons or swivel guns forming part of the ordinary equipment of any such vessel, together with 100 rounds of ammunition for every such gun.

The carriage of arms and ammunition as cargo, consigned to, and intended only for the use of, a person (other than a native) resident within the Western Pacific Islands, shall be deemed to be an ordinary lawful purpose of such vessel, provided always that the total amount of arms and ammunition carried on board such vessel shall not exceed the above specified quantities.

3. British subjects within the Western Pacific Islands shall not give, sell, or otherwise supply any arms, ammunition, or explosive substance to any native.

4. Any British subject who shall carry, or aid or abet the carriage of, any arms or ammunition in any British vessel within the waters of the Western Pacific Islands, except as permitted by this Regulation, shall be guilty of an offence against this Regulation.

5. Any British subject within the Western Pacific Islands who shall give, sell, or otherwise supply, or aid or assist in supplying, any arms, or any single fire-arm, or any ammunition, or explosive substance, to any native, shall be guilty of an offence against this Regulation.

6. Any person guilty of an offence against this Regulation shall, on conviction thereof, be liable to punishment as follows :—

(1.) Imprisonment for any term not exceeding three months, with or without hard labour, and with or without a fine not exceeding 10*l.* ; or

(2.) A fine alone, not exceeding 10*l.*, without any imprisonment.

7. Regulation No. 1 of 1884,* intituled “A Regulation to prohibit the supply of Arms, Ammunition, and Explosive Substances to Natives of the Western Pacific Islands,” is hereby repealed ; but any offence against such Regulation, committed before the coming into force of this Regulation, may be dealt with and shall be punishable as if such Regulation were still in force.

8. This Regulation shall come into force on the 1st day of June, in the year of our Lord 1893, and may be cited as “The Arms Regulation, 1893.”

Given this 5th day of April, in the year of our Lord 1893.

By command,

WILFRED COLLET, *Secretary to the
High Commissioner.*

NOTES exchanged between Great Britain and France, renewing for the year 1893 the Modus Vivendi of 1890, relative to the Catching and Preparation of Lobsters on the Treaty Coast of Newfoundland.—London, March, April, 1893.

The Earl of Rosebery to M. Waddington.

M. L'AMBASSADEUR,

Foreign Office, March 4, 1893.

IN accordance with the agreement arrived at in our conversation on the 22nd ultimo, I have the honour to state that Her Majesty's Government are willing that the *modus vivendi* of 1890,* relative to the catching and preparation of lobsters on the Treaty Coast of Newfoundland, which was renewed during the fishing seasons of 1891 and 1892, should again be renewed for the fishing season of the present year.

On receiving from your Excellency formal notice that your Government desire this agreement, Her Majesty's Government will consider this exchange of notes as an agreement between the two Governments, and will give the necessary directions to carry the agreement into execution on behalf of Great Britain.

I have, &c.,

M. Waddington.

ROSEBERY.

M. Waddington to the Earl of Rosebery.

(Translation.)

M. LE COMTE,

French Embassy, London, April 4, 1893.

IN reply to your letter of the 4th March, I have the honour to state to you that the Government of the Republic consents to the renewal for the year 1893 of the *modus vivendi* of 1890, relative to the catching and preparation of lobsters on the "French Shore" in Newfoundland.

On this occasion I am directed by my Government to urge that your Lordship will obtain from Parliament the powers necessary for giving effect to the arbitration that has been agreed upon, and for insuring beforehand that the decision of the Arbitrators shall be carried out. The House of Commons had passed a Resolution by which they undertook to furnish Her Majesty's Government with the means of carrying out these decisions, in the event of the Legislature of Newfoundland refusing themselves to pass a Bill similar to the one introduced by Lord Knutsford and passed by the House of Lords.

* Vol. LXXXII, page 993.

The latest incidents that have occurred in the Newfoundland Legislature show conclusively that nothing is to be expected from that side, and that they will never consent to pass a Bill granting to Her Majesty's Government the powers secured to them by the Bill of Lord Knutsford. I must once more remind your Lordship that in a question essentially international, since it concerns the interpretation and execution of solemn Treaties, the Government of the Republic can only deal with the Government of Her Majesty, and could in no case recognize either the executive functions or the judicial powers instituted by the Colony. Consequently, in giving their consent to the renewal of the *modus vivendi* for 1893, the Government of the Republic entertain the firm hope that the Government of Her Majesty will soon be able to terminate satisfactorily the provisional situation which has already existed too long.

I have, &c.,

The Earl of Rosebery.

WADDINGTON.

SWISS NOTIFICATION of the Modification of Article XVI (a) of the International Postal Union Convention signed at Vienna, July 4, 1891.—Berne, October 31, 1893.*

Berne, le 31 Octobre, 1893.

LE 19 Avril dernier le Bureau International a soumis aux Administrations de l'Union Postale Universelle, au nom de l'Administration Française, la proposition reproduite ci-après, tendant à modifier l'Article XVI de la Convention Postale Universelle :—

“L'alinéa (a) du § 1^{er} de l'Article XVI de la Convention Principale est modifié comme suit :

“(a.) Aux papiers d'affaires, échantillons, et imprimés, qui ne sont pas affranchis au moins partiellement, qui contiennent des lettres ou notes manuscrites ayant le caractère de correspondance actuelle et personnelle, ou qui ne sont pas conditionnés de façon à permettre une vérification facile de contenu.”

Il résulte du dépouillement du vote, que le Bureau International vient de faire opérer, que la proposition de l'Administration Française, dont le texte est reproduit ci-dessus, a réuni la majorité nécessaire pour devenir exécutoire.

Par Circulaire du 19 courant le Bureau International a porté ce résultat à la connaissance des Administrations Postales intéressées.

Conformément aux dispositions de l'Article XXVI, § 4, de la Convention Postale Universelle du 4 Juillet, 1891, nous avons

l'honneur d'informer votre Excellence de la modification dont il s'agit. Elle entrera en vigueur le 1^{er} Janvier, 1894.

Agréé, &c.,

SCHENK, *Président de la Confédération.*

RINGIER, *Chancelier de la Confédération.*

LOI de la République Française, portant modification de l'Article 8, paragraphe 3, et de l'Article 9 du Code Civil, relativement aux Déclarations effectuées en vue d'acquiescer ou de décliner la Nationalité Française.—Marly-le-Roi, le 22 Juillet, 1893.

Le Sénat et la Chambre des Députés ont adopté,
Le Président de la République promulgue la Loi dont la teneur suit :

ART. 1^{er}. Le paragraphe 3 de l'Article 8 du Code Civil est ainsi modifié :—

“ Est Français :

* * * * *

“ 3. Tout individu né en France de parents étrangers dont l'un y est lui-même né ; sauf la faculté pour lui, si c'est la mère qui est née en France, de décliner, dans l'année qui suivra sa majorité, la qualité de Français, en se conformant aux dispositions du paragraphe 4 ci-après.

“ L'enfant naturel pourra, aux mêmes conditions que l'enfant légitime, décliner la qualité de Français quand le parent qui est né en France n'est pas celui dont il devrait, aux termes du paragraphe 1, deuxième alinéa, suivre la nationalité.”

2. Les individus auxquels l'Article 8, paragraphe 3, modifié, réserve la faculté de réclamer la qualité d'étrangers et qui auront atteint leur majorité à l'époque de la promulgation de la présente Loi, pourront réclamer cette qualité en remplissant les conditions prescrites dans le délai d'un an à partir de cette promulgation.

3. L'Article 9 du Code Civil est modifié ainsi qu'il suit :

“ Tout individu né en France d'un étranger et qui n'y est pas domicilié à l'époque de sa majorité pourra, jusqu'à l'âge de 22 ans accomplis, faire sa soumission de fixer en France son domicile, et, s'il l'y établit dans l'année à compter de l'acte de soumission, réclamer la qualité de Français par une déclaration qui sera, à peine de nullité, enregistrée au Ministère de la Justice.

“ L'enregistrement sera refusé s'il résulte des pièces produites que le déclarant n'est pas dans les conditions requises par la loi, sauf

à lui à se pourvoir devant les Tribunaux Civils, dans la forme prescrite par les Articles 855 et suivants du Code de Procédure Civile.

“ La notification motivée du refus devra être faite au réclamant dans le délai de deux mois à partir de sa déclaration.

“ L'enregistrement pourra en outre être refusé, pour cause d'indignité, au déclarant qui réunirait toutes les conditions légales ; mais, dans ce cas, il devra être statué, le déclarant dûment avisé, par Décret rendu sur l'avis conforme du Conseil d'État, dans le délai de trois mois à partir de la déclaration, ou, s'il y a eu contestation, du jour où le jugement qui a admis la réclamation est devenu définitif.

“ Le déclarant aura la faculté de produire devant le Conseil d'État des pièces et des mémoires.

“ A défaut des notifications ci-dessus visées dans les délais sus-indiqués, et à leur expiration, le Ministre de la Justice remettra au déclarant, sur sa demande, une copie de sa déclaration, revêtue de la mention de l'enregistrement.

“ La déclaration produira ses effets du jour où elle aura été faite, sauf l'annulation qui pourra résulter du refus d'enregistrement.

“ Les règles relatives à l'enregistrement prescrites par les paragraphes 2 et 3 du présent Article sont applicables aux déclarations faites en vue de décliner la nationalité Française, conformément à l'Article 8, paragraphes 3 et 4, et aux Articles 12 et 18.

“ Les déclarations faites, soit pour réclamer, soit pour décliner la qualité de Français, doivent, après enregistrement, être insérées au ‘ Bulletin des Lois. ’ Néanmoins, l'omission de cette formalité ne pourra pas préjudicier aux droits des déclarants.

“ Si l'individu qui réclame la qualité de Français est âgé de moins de 21 ans accomplis, la déclaration sera faite en son nom par son père ; en cas de décès, par sa mère ; en cas du décès du père et de la mère ou de leur exclusion de la tutelle, ou dans les cas prévus par les Articles 141, 142, et 143 du Code Civil, par le tuteur autorisé par délibération du conseil de famille.

“ Il devient également Français si, ayant été porté sur le Tableau de Recensement, il prend part aux opérations de recrutement sans opposer son extranéité.”

La présente Loi, délibérée et adoptée par le Sénat et par la Chambre des Députés, sera exécutée comme Loi de l'État.

Fait à Marly-le-Roi, le 22 Juillet, 1893.

CARNOT.

Par le Président de la République :

E. GUÉRIN, *Garde des Sceaux, Ministre de la Justice.*

NOTIFICATION of the Accession of the South American Cable Company to the International Telegraph Convention of July 22, 1875, as regards the Cable between Senegal and Pernambuco.—London, January 2, 1893.*

*Ambassade de France, Londres,
le 2 Janvier, 1893.*

EN exécution du paragraphe LXXXVI du Règlement de Service annexé à la Convention Télégraphique de Saint-Petersbourg du 22 Juillet, 1875,* la "South American Cable Company," dont le siège social est à Londres, 106, Cannon Street, a déclaré à l'Administration Française, par une lettre en date du 10 du mois dernier, et conformément à sa concession d'atterrissement, qu'elle adhérerait aux dispositions de la Convention de Saint-Petersbourg, en ce qui concerne la câble qu'elle a immergé entre Saint-Louis du Sénégal et Pernambuco.

L'Article XVIII de l'Arrangement International du 22 Juillet, 1875, stipulant que les accessions seront notifiées aux Puissances Contractantes par l'État sur le territoire duquel s'est tenue la dernière Conférence Télégraphique, je suis chargé par M. le Ministre des Affaires Étrangères d'informer le Gouvernement de Sa Majesté la Reine de l'adhésion de la "South American Cable Company."

Veillez, &c.,

COMTE DE ST. GENYS

ARRANGEMENT for an Exchange of Parcels between the Post Office of India and the Post Office of Persia.—Signed at Tehran, May 5, 1893; and at Simla, July 17, 1893.

IN order to establish an exchange of parcels between India and Persia, the Undersigned, duly authorized for that purpose, have agreed upon the following Articles:—

ART. I. There shall be a regular exchange of parcels between the Post Office of India and the Post Office of Persia by means of the mail service viâ Bombay, Karachee, and Bushire, performed by the steamers of the British India Steam Navigation Company.

II. The exchange of parcels between the two countries shall be performed exclusively through Offices of Exchange. The Offices of Exchange shall be the Indian and Persian Post Offices at Bushire.

III. For each parcel dispatched from India to Persia, the Indian

Post Office shall pay the Persian Post Office a territorial rate of 4 fr. For each parcel dispatched from Persia to India, the Persian Post Office shall pay the Indian Post Office a combined territorial and sea rate of 1 rupee (equal to 1 fr. 50 centimes).

IV. The prepayment of postage shall be compulsory, and the parcels shall not be subjected to any other postal charge except when redirected or returned from one country to the other, as provided for in Article XVI.

V. The limit of weight for a parcel exchanged between the two countries shall be 7 lb. avoirdupois, or 3 kilog. No such parcel shall exceed 2 feet, or 60 centim., in any direction, or contain anything of greater value than 50%.

VI. Parcels exchanged between the two countries may not contain liquids (unless securely packed), or letters or notes having the character of correspondence, or substances of a dangerous, damaging, or offensive nature; nor may they contain articles the admission of which is prohibited by the Customs or other Laws or Regulations. The two Administrations shall furnish each other with a list of prohibited articles, but they do not on that account incur any responsibility whatever towards the police, the Customs-house authorities, or the senders of the parcels.

VII. Every parcel shall bear the name and address of the person for whom it is intended, given with such completeness as will enable delivery to be effected.

VIII. The sender of a parcel shall be responsible that it is securely packed in such a manner as to protect the contents from damage, and to make it impossible for them to be tampered with without visible damage being caused.

IX. Every parcel shall be accompanied by a declaration of its contents and value signed by the sender. The declaration shall also contain the address of the parcel.

X. The conditions as to the posting, transmission, delivery of parcels (including the levy of customs duty and other charges), and redirection within the limits of the country of destination, shall be governed by the inland regulations of the country concerned.

XI. Parcels exchanged between the two countries shall be entered in invoices, in the annexed Form (A) or (AA), by the dispatching Office of Exchange at Bushire. The invoices (in duplicate), accompanied by the declarations of contents and value of the parcels entered therein, shall be sent to the receiving Office of Exchange at Bushire with the parcels. The total amount due to the country of destination on the parcels entered in each invoice, at the rates mentioned in Article III, shall be paid in cash to the receiving Office of Exchange at the time the parcels are handed over; and this Office shall acknowledge receipt of the parcels and

cash by signing both copies of the invoice. One copy of the invoice shall be retained by the receiving Office of Exchange and the other copy shall be returned to the dispatching Office of Exchange.

XII. The invoices dispatched by each Office of Exchange shall be numbered in a consecutive series, commencing with No. 1 for the first invoice of each calendar year, and these numbers shall be termed the "invoice numbers." The entries in each invoice shall also be numbered consecutively, commencing with No. 1 for each invoice, and these numbers shall be termed the "entry numbers."

XIII. A label, in the annexed Form (B) or (BB), shall be affixed to each parcel dispatched. The label shall contain the particulars for which provision is made in the form. The invoice number and entry number entered in the label shall also be noted on the declaration of contents and value of the parcel to which it refers.

XIV. Every discrepancy between an invoice and the parcels entered therein, or other irregularity or defect in connection with the parcels, observed by the receiving Office of Exchange, shall be notified to the dispatching Office of Exchange at the time of taking over the parcels and recorded at once on both copies of the invoice.

XV. If, for any reason, a parcel cannot be delivered to the original addressee, the Offices of Exchange of the two countries shall communicate with one another with the view of ascertaining the sender's wishes in respect of the disposal of the parcel. The parcel shall, at the sender's request, be delivered to any other person named by him, in the country of destination, without further charge, or be returned to the country of origin to be delivered to the sender or any other person named by him in the country of origin.

XVI. A parcel redirected from one country to the other for delivery to the addressee or returned to the country of origin at the request of the sender shall be surcharged with a sum, to be collected on delivery, representing the total of the two transit rates mentioned in Article III. Such parcels shall be excluded from the invoices, but they shall be entered in a separate statement in the annexed Form (C), and the transit charge due to the country of dispatch at the rate allotted to that country in Article III shall be paid in cash by the receiving Office of Exchange to the dispatching Office of Exchange, at the time the parcels are handed over. Such statements shall be prepared and signed in duplicate. One copy shall be retained by the receiving Office of Exchange and the other copy shall be returned to the dispatching Office of Exchange.

XVII. Parcels which cannot be delivered, returned to the senders, or otherwise disposed of, shall be sent back, without charge, to the country of origin for disposal. Such parcels shall be entered without claim in the statement referred to in Article XVI, with the word "rebut" in the column for remarks.

XVIII. Except in the case of *vis major*, if a parcel should be lost, stolen, or damaged, the sender, or, in default of or at the request of the same, the addressee, shall be entitled to an indemnity corresponding to the actual amount of the loss or damage up to a maximum of 15 fr., it being understood that no claim for indemnity shall be entertained if not made within a year of the posting of the parcel. The sender of a lost parcel shall, moreover, be entitled to a refund of the postage.

The obligation to pay the indemnity (including, if necessary, the refund of the postage) shall rest with the Administration to which the dispatching Office is subordinate. To that Administration shall be reserved a claim against the Administration responsible, that is to say, against the Administration on the territory, or in the service of which the loss or damage took place. In the case where the responsible Administration has given notice to the Administration of dispatch not to make payment, the former must repay to the latter Administration any costs which the non-payment may entail.

Until the contrary is proved, the responsibility shall rest with the Administration which, having received the parcel without making any remarks, cannot establish the delivery or the regular transfer to the other Administration, as the case may be.

Payment of the indemnity by the dispatching Administration shall be made as soon as possible, and at latest within a year of the date on which it is claimed. The Administration responsible shall be bound to refund to the dispatching Administration, without delay, the amount of indemnity paid by the latter.

XIX. In ordinary matters relating to the preparation, transmission, or correction of invoices, &c., or to the disposal of parcels, the Offices of Exchange shall be the Offices of correspondence; but matters involving questions other than detail shall be settled in communication between the Director-General of the Post Office of India and the Secrétaire-Général du Ministère des Postes de Perse.

XX. The present Arrangement shall take effect on the 1st July, 1893. It shall then continue in force until one year after the date on which one of the Contracting Parties shall have notified the other of its intention to terminate it.

Executed in duplicate and signed.

At Tehran, the 5th May, 1893.

(L.S.) ALI, *Secrétaire-Général du Ministère des Postes de Perse.*

At Simla, the 17th July, 1893.

(L.S.) A. U. FANSHAWE, *Director-General of the Post Office of India.*

NOTICE by the Governor-General of Crete, respecting the Coast Fishery.—Canea, April 10, 1893.

(Translation.)

ACCORDING to the dispositions of the general Fishery Law, fishing by steam and sailing-boats with nets dragged on the bottom of the sea is to be exercised beyond three miles from the coast; moreover, such a mode of fishing is generally and strictly prohibited within a shorter distance from the sea-shore.

Whereas it is ascertained that fishing is carried on along the coasts of Crete in contravention of this Law, the Governor-General notifies that from the $\frac{1}{2}\frac{5}{7}$ th April of the current financial year 1893 (1309) fishing by steamer and large and small sailing-boats using drag-nets is strictly prohibited within three miles from the sea-shore: that the boats, tackle, and nets of the contraveners of this prohibition will be confiscated; and on a second contravention, to the same penalty will be added a fine of from 50 to 100 liras in conformity with Article 29 of the above-mentioned Law, and that the aforesaid prohibition and penalties will be applied without distinction to all native, Maltese, and Italian fishermen.

Canea, ^{March 29}_{April 10}, 1893.

MAHMOUD, *Governor-General ad interim.*

NOTES exchanged between Great Britain and Russia, for the Protection of Russian Sealing Interests in the North Pacific Ocean during the year 1893.—May 1893.

No. 1.—Mr. Howard to M. Chichkine.

M. LE CONSEILLER PRIVÉ, *St. Petersburg, ^{April 30}_{May 12}, 1893.*

IN obedience to instructions received from the Earl of Rosebery, I have the honour to inform your Excellency that Her Majesty's Government have had under their consideration the note which you addressed to Sir Robert Morier on the $\frac{6}{18}$ th April relative to the proposed arrangement for the protection of Russian sealing interests in the North Pacific Ocean during the present year, and that they note with satisfaction that their proposals for this purpose are accepted by the Russian Government with one exception.

I am desired to express the hope of Her Majesty's Government that the difficulty in regard to this single point may be removed by an arrangement which I am now instructed to propose: that any

British vessels which may be seized by Russian cruisers on the charge of contravening the Agreement shall be delivered to Her Majesty's cruisers at Yokohama, or at some place of rendezvous to be settled hereafter. I have been likewise instructed to transmit to your Excellency the inclosed draft of an Agreement embodying the principles of the arrangement, which I am empowered to sign at once with your Excellency or any other member of the Imperial Government who may be similarly authorized to that end; but I am requested at the same time to state that, should the Russian Government prefer it, Her Majesty's Government are ready to consent to the Agreement being recorded in any exchange of notes.

Finally, I am to add that, in view of the capital importance of a speedy settlement, Her Majesty's Government refrain from any discussion of the propositions advanced in your Excellency's note of the $\frac{6}{18}$ th April to Her Majesty's Ambassador, but that it must be understood that they cannot admit any claim on the part of Russia to take measures of the nature contemplated in the arrangements of her own motion, and without previous agreement with other Powers concerned, and that Her Majesty's Government must reserve to themselves full freedom to object to any interference with British vessels outside Russian territorial waters according to the usual acceptation of the term which is not based on an express agreement between the two Governments.

I avail, &c.,

M. Chichkine.

HENRY HOWARD.

(Inclosure.)—*Draft Agreement between Great Britain and Russia relative to the Seal Fisheries.*

WITH the view to avoid difficulties in regard to the seal fisheries, and to aid in the preservation of the seal species, the Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, and the Government of His Majesty the Emperor of All the Russias, have concluded the following Agreement:—

ART. I. During the year ending the 31st December, 1893, Her Britannic Majesty's Government will prohibit British subjects from killing or hunting seals within the following limits:—

(a.) Within a zone of 10 marine miles following the sinuosities of the Russian coasts which border on Behring Sea and any other part of the North Pacific Ocean.

(b.) Within a zone of 30 marine miles round the Komandorski Islands, and round Tulénaw (Robben Island).

II. Her Britannic Majesty's Government engage to co-operate,

with British cruisers, in preventing British subjects from killing or hunting seals within the aforesaid limits.

III. British vessels engaged in killing or hunting seals within the aforesaid limits may be seized either by British or Russian cruisers; but, if seized by the latter, they shall forthwith be handed over at Yokohama, or at any port in the British possessions, or to the Commander of any British ship of war, for trial by the British authorities.

IV. The Imperial Russian Government engage to limit to 30,000 the number of seals which may be killed during the whole of the year 1893 upon or around the said Islands of Komandorski and Tulénou (Robben Island).

V. It is agreed that a British Agent may, when so desired by Her Britannic Majesty's Government, visit the said islands to confer there with the authorities, and to inquire into the working and results of the present Agreement.

VI. The present Agreement will in nowise affect the facilities hitherto accorded in Russian ports to British vessels as regards refuge, repairs, obtaining supplies, or other matters for which they may properly require access.

VII. It is understood that the present Agreement relates solely to the year 1893. It has consequently no retroactive force or effect—more especially as regards the British vessels captured previously by Russian cruisers.

In witness whereof the Undersigned, duly authorized to that effect, have signed this Agreement, and affixed thereto the seal of their arms.

Done at, &c.

No. 2.—M. Chichkine to Mr. Howard.

M. LE CHARGÉ D'AFFAIRES, *Saint-Pétersbourg, le $\frac{10}{2}$ Mai, 1893.*

EN réponse à votre communication en date du $\frac{30}{12}$ Avril j'ai l'honneur de vous informer que le Gouvernement Impérial, tout en acceptant le projet d'Arrangement annexé à cette communication, préfère lui donner le caractère d'un échange de notes pour les raisons suivantes :—

Parceque la rédaction trop concise du projet susmentionné laisserait la porte ouverte à certains malentendus, et peut-être même à des complications qu'il serait désirable d'éviter;

Parceque le Gouvernement Impérial ne saurait adhérer au projet en question sans quelques réserves destinées à sauvegarder sa liberté d'appréciation dans l'avenir.

Il est bien entendu que l'entente à établir entre nos deux

Gouvernements laisserait intacts tous les droits de la Russie dans les eaux territoriales.

Quant à nos réserves, elles porteraient sur les points ci-dessous :

1. En consentant à livrer aux autorités Britanniques les navires Anglais qui s'occupent de la chasse des otaries dans les zones prohibées, nous ne voulons nullement préjuger, en général, la question des droits d'une Puissance riveraine d'étendre sa juridiction territoriale dans certains cas spéciaux au delà de ses eaux territoriales proprement dites.

2. Le Gouvernement Impérial entend garder son entière liberté quant au choix, dans l'avenir, entre les deux systèmes de protection des otaries, soit au moyen d'une zone prohibée, soit au moyen d'une défense complète de la chasse pélagique ou de sa réglementation en pleine mer.

3. L'Arrangement actuel ne pourrait servir à aucun titre de précédent, et n'aurait à nos yeux qu'un caractère essentiellement provisoire pour le cas présent.

Ces réserves faites, nous adhérons à la proposition Britannique dans les termes suivants :—

1. Pendant l'année prenant fin le 31 Décembre, 1893, le Gouvernement Anglais défendra à ses sujets la chasse aux otaries dans une zone de 10 milles maritimes sur toutes les côtes Russes de la Mer de Behring et de l'Océan Pacifique du Nord ; ainsi que dans une zone de 30 milles maritimes autour des Iles Komandorski et Tuliniew (Robbin Island).

2. Les navires Anglais qui se livrent à la chasse des otaries dans les zones susmentionnées en dehors des eaux territoriales de la Russie peuvent être arrêtés par les croiseurs Russes pour être remis aux croiseurs Anglais, ou bien aux autorités Britanniques les plus proches. En cas d'empêchement ou de difficulté, le Commandant du croiseur Russe peut se borner à saisir les papiers de bord des navires susmentionnés, afin de les remettre à un croiseur Britannique, ou de les expédier aux autorités Anglaises les plus voisines, à la première possibilité.

3. Le Gouvernement Britannique s'engage à faire juger par les Tribunaux ordinaires et offrant toutes les garanties nécessaires les navires Anglais qui seraient arrêtés comme s'étant occupés de la chasse défendue dans les zones prohibées en dehors des eaux territoriales Russes.

4. Le Gouvernement Impérial limitera à 30,000 têtes le nombre des otaries à tuer sur les côtes des Iles Komandorski et Tuliniew (Robbin Island) dans le courant de l'année 1893.

5. Un Agent du Gouvernement Britannique pourra être admis sur les îles susmentionnées (Komandorski et Tuliniew), afin de recueillir auprès des autorités locales toutes les informations néces-

saïres sur le fonctionnement et les résultats de l'entente convenue, mais en ayant soin d'informer préalablement ces autorités du lieu et de l'époque de sa visite, qui ne saurait d'ailleurs se prolonger au delà de quelques semaines.

6. L'arrangement actuel n'aura pas de force rétrospective quant à la saisie des navires Anglais arrêtés antérieurement par les croiseurs de la marine Impériale.

Ces points étant basés sur les notes précédemment échangées entre nos deux Gouvernements ainsi que sur le texte des dernières propositions Anglaises, nous espérons, M. le Chargé d'Affaires, que le Gouvernement de Sa Majesté Britannique jugera désormais l'entente entre nous comme entièrement établie quant au régime de la pêche aux otaries pour le courant de l'année présente.

Veillez, &c.,

H. Howard, Esq.

CHICHKINE.

No. 3.—Sir R. Morier to the Earl of Rosebery.

(Telegraphic.)

St. Petersburg, May 30, 1893.

IN pursuance of your Lordship's instructions as conveyed in your telegram of yesterday, I have this day addressed a note to the Russian Government in the following terms:—

“Your Excellency's note of the ^{10th}/_{22nd} instant on the subject of the seal fisheries in the North Pacific was forwarded without delay to Her Majesty's Principal Secretary of State, and I am now instructed by Her Majesty's Government to state that they accept, as a provisional agreement applying to the present year only, the arrangement for the protection of the Russian sealing interests as defined in that note. They will forthwith invite Parliament to enact the legislation which is necessary to carry the Agreement, so far as it binds Great Britain, into effect.

“With reference to the general reservations contained in your Excellency's note, Her Majesty's Government, while taking note of them, have instructed me to abstain from discussing them at present, but to inform the Imperial Government that they, on their side, maintain to the full the reservations made by them as formulated in Mr. Howard's note to your Excellency of the ^{30th April}/_{12th May}. It is understood, therefore, that the rights and position of neither Power are in any way prejudiced by this provisional arrangement.”

*SPANISH DECREE, respecting the Trade with Spain of Great Britain and other Foreign Countries with whom Spain concluded Treaties of Commerce which are awaiting Ratification.—Madrid, December 31, 1893.**

(Translation.)

IN the name of my August son, King Alphonso XIII, and as Queen-Regent of the Realm, at the instance of the Council of Ministers,

I hereby decree as follows :

ART. 1. From the 1st January next, and pending the deliberations of the Cortes on the Project of Law to be immediately laid before them, the most reduced ("mas reducidos") Tariff and further advantages resulting from the Commercial Conventions with Sweden, Norway, Switzerland, and Holland shall be applied to the products of the soil and industries of Germany, Austria-Hungary, Denmark, France, Great Britain and her Colonies, and Italy, subject to the same conditions as those under which those benefits are conceded.

2. Similar rights and immunities shall be applied to those nations possessing the most-favoured-nation clause in Treaties of Commerce, Peace, or Friendship, which have not been named.

3. The duties of the second column of the Tariff shall continue to be levied in the form now applying to the products of the soil and industries of all other nations entitled to this advantage, in virtue of the Royal Order of the 29th June, 1892.†

4. The Government shall notify the provisions of this Decree to the Cortes.

Given at the Palace, the 31st December, 1893.

MARIA CHRISTINA.

PRAXIDES MATEO SAGASTA,

President of the Council of Ministers.

ARRANGEMENT for an Exchange of Parcels between the Post Office of India and the Post Office of Siam.—Signed at Simla, May 15, 1893; and at Bangkok, June 24, 1893.

IN order to establish an exchange of parcels between India and Siam, the Undersigned, duly authorized for that purpose, have agreed upon the following Articles :—

* Notified in the "London Gazette," January 9, 1894.

† Vol. LXXXIV, page 239.

ART. I. There shall be a regular exchange of parcels between the Post Office of India and the Post Office of Siam.

II. The exchange of parcels between the two countries shall be performed exclusively through Offices of Exchange. The Offices of Exchange shall be, on the side of India, Calcutta and Rangoon, and on the side of Siam, Bangkok.

III. Prepayment of parcel postage shall be compulsory, and each country will retain its own postage collections.

IV. The Post Office of India will provide for the sea conveyance of the parcels between India and Singapore in both directions, and the Post Office of Siam will provide for the sea conveyance of the parcels between Singapore and Bangkok in both directions. Each country will make its own arrangements with the Post Office of the Straits Settlements for the transshipment at Singapore of the parcel mails dispatched from it to the other country.

V. Parcels shall be dispatched inclosed in bags addressed to Bangkok in the case of despatches from Calcutta and Rangoon, and addressed to Calcutta in the case of despatches from Bangkok.

VI. The maximum limit of weight for a parcel shall be 11 lbs., and the declared value may not exceed 10*l*. No parcel shall exceed 3 ft. 6 in. in length or 6 feet in length and girth combined, nor shall it measure less than 3 inches in length by 2 inches in width by 2 inches in depth.

VII. Parcels exchanged between the two countries may not contain liquids or substances of a dangerous, damaging, or offensive nature, or contraband articles or substances, nor may they contain a letter.

VIII. Every parcel shall bear the name and address of the person for whom it is intended, given with such completeness as will enable delivery to be effected.

IX. The sender of a parcel shall be responsible that it is securely packed in such a manner as to protect the contents from damage.

X. To every parcel shall be attached a declaration of its contents and value, signed by the sender. The declaration shall also contain the address of the parcel.

XI. The conditions as to the posting, transmission, delivery of parcels (including the levy of customs duty and other charges) and redirection within the limits of the country of destination, shall be governed by the [? inland] regulations of the country concerned.

XII. If for any reason a parcel cannot be delivered, the Offices of Exchange of the two countries shall communicate with one another with a view to ascertaining the sender's wishes in respect of the disposal of the parcel. A parcel which cannot be delivered to the original addressee shall, at the sender's request, be delivered

to any other person named by him in the country of destination, or returned to him (the sender), as the case may be, without further charge.

XIII. Parcels exchanged between the two countries shall be entered in invoices in the annexed Form (A) or (AA), prepared by the dispatching Office of Exchange. The invoices shall be forwarded with the parcels to the Office of Exchange of the country of destination.

XIV. The invoices dispatched by each Office of Exchange shall be numbered in a consecutive series commencing with No. 1 for the first invoice of each calendar year, and these numbers shall be termed the invoice numbers. The entries in each invoice shall also be numbered consecutively, commencing with No. 1 for each invoice, and these numbers shall be termed the entry numbers.

XV. The invoice number and entry number relating to each parcel shall be noted on the declaration of contents and value of the parcel.

XVI. Every discrepancy between an invoice and the parcels entered therein, or other error in an invoice, observed by the receiving Office of Exchange, shall be intimated by return mail to the dispatching Office of Exchange.

XVII. The exchange will not give rise to any accounts between the two countries.

XVIII. In ordinary correspondence affecting the preparation, transmission, or correction of invoices, &c., or relating to the disposal of parcels, the Offices of Exchange shall be the media; but in matters involving questions other than detail, the Offices of correspondence shall be the Offices of the Director-General of the Post Office of India and the Secretary, Department of Posts, Siam.

XIX. The present Arrangement shall take effect on the 1st July, 1893. It shall then continue in force until one year after the date on which one of the Contracting Parties shall have notified the other of its intention to terminate it.

Executed in duplicate and signed.

At Simla, the 15th May, 1893.

(L.S.) A. U. FANSHAWE, *Director-General of the
Post Office of India.*

At Bangkok, the 24th June, 1893.

(L.S.) (Signature of the Secretary, Department of
Posts, Siam.)

PROCLAMATION by the President of the United States, suspending the Collection of Toll on Canadian Freight passing through Saint Mary's Falls Canal.—Washington, February 21, 1893.

WHEREAS by my Proclamation of the 18th August, 1892,* and in pursuance of the authority conferred on me by an Act of Congress approved the 26th July, 1892, intituled "An Act to enforce the Reciprocal Commercial Relations between the United States and Canada, and for other purposes,"† I directed "that from and after the 1st September, 1892, until further notice, a toll of 20 cents per ton be levied, collected, and paid on all freight of whatever kind or description passing through the St. Mary's Falls Canal in transit to any port of the Dominion of Canada, whether carried in vessels of the United States or of other nations;" and to that extent thereby suspended "from and after said date the right of free passage through said St. Mary's Falls Canal of any and all cargoes or portions of cargoes in transit to Canadian ports;"

And whereas the above order was issued in consequence of the imposition by the Government of the Dominion of Canada of a discriminating toll whereby unjust and unreasonable burdens were placed, in violation of Article XXVII of the Treaty of Washington,‡ upon the carrying of passengers and cargoes through the Welland Canal in transit to ports of the United States, as is fully set forth in the said Proclamation;

And whereas by an Order in Council dated the 13th February, 1893, the Governor-General of the Dominion of Canada has directed that "for the season of 1893 the canal tolls for the passage of the following food products, wheat, Indian corn, peas, barley, rye, oats, flax seed, and buckwheat, for passage eastward through the Welland Canal be 10 cents per ton, and for passage westward through the St. Lawrence Canals only 10 cents per ton; payment of the said toll of 10 cents per ton for passage through the Welland Canal to entitle these products to free passage through the St. Lawrence Canals;"

And whereas I have received satisfactory assurances that this Order revokes during the season of 1893 the discriminating provisions above referred to and secures to citizens of the United States equality with British subjects as regards the use of said canals:

Now, therefore, I, Benjamin Harrison, President of the United

* Vol. LXXXIV, page 1022.

† Vol. LXXXIV, page 1021.

‡ Vol. LXI, page 40.

States of America, by virtue of the said Act of Congress approved the 26th July, 1892, do hereby declare and proclaim that from and after the date hereof, and until further notice, the provisions of my said Proclamation of the 18th August, 1892, are suspended, in so far as they direct that a toll of 20 cents per ton be levied, collected, and paid on all freight of whatever kind or description passing through the St. Mary's Falls Canal in transit to any port of the Dominion of Canada, whether carried in vessels of the United States or of other nations.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, this 21st day of February, 1893, and of the Independence of the United States of America the 117th.

(L.S.) BENJ. HARRISON

By the President :

JOHN W. FOSTER, *Secretary of State*.

PROCLAMATION by the President of the United States, warning persons against entering Behring Sea for the purpose of killing Seals in contravention of the Convention between Great Britain and the United States, of April 18, 1892.—Washington, April 8, 1893.*

THE following provisions of the Laws of the United States are hereby published for the information of all concerned :—

Section 1956, Revised Statutes, Chapter 3, Title XXIII, enacts that :

“ No person shall kill any otter, mink, marten, sable, or fur-seal, or other fur-bearing animal within the limits of Alaska Territory, or in the waters thereof ; and every person guilty thereof shall, for each offence, be fined not less than 200 nor more than 1,000 dollars, or imprisoned not more than six months, or both ; and all vessels, their tackle, apparel, furniture, and cargo found engaged in violation of this section shall be forfeited ; but the Secretary of the Treasury shall have power to authorize the killing of any such mink, marten, sable, or other fur-bearing animal, except fur-seals, under such regulations as he may prescribe ; and it shall be the duty of the Secretary to prevent the killing of any fur-seal, and to provide for the execution of the provisions of this section until it is otherwise provided by law ; nor shall he grant any special privileges under this section.”

* Vol. LXXXIV, page 62.

Section 3 of the Act intituled "An Act to provide for the Protection of the Salmon Fisheries of Alaska," approved the 2nd March, 1889, provides that :

"Section 3. That section 1956 of the Revised Statutes of the United States is hereby declared to include and apply to all the dominion of the United States in the waters of Behring Sea ; and it shall be the duty of the President, at a timely season in each year, to issue his Proclamation and cause the same to be published for one month in at least one newspaper, if any such there be, published at each United States' port of entry on the Pacific Coast, warning all persons against entering said waters for the purpose of violating the provisions of said section ; and he shall also cause one or more vessels of the United States to diligently cruise said waters and arrest all persons, and seize all vessels found to be, or to have been, engaged in any violation of the laws of the United States therein."

Articles I, II, and III of a Convention between the United States of America and Great Britain for the renewal of the existing *modus vivendi* in Behring Sea, concluded the 18th April, 1892, are published for the same purpose :

"ART. I. Her Majesty's Government will prohibit, during the pendency of the arbitration, seal killing in that part of Behring Sea lying eastward of the line of demarcation described in Article I of the Treaty of 1867 between the United States and Russia, and will promptly use its best efforts to insure the observance of this prohibition by British subjects and vessels.

"II. The United States' Government will prohibit seal killing for the same period in the same part of Behring Sea, and on the shores and islands thereof, the property of the United States (in excess of 7,500 to be taken on the islands for the subsistence of the natives), and will promptly use its best efforts to insure the observance of this prohibition by United States' citizens and vessels.

"III. Every vessel or person offending against this prohibition in the said waters of Behring Sea outside of the ordinary territorial limits of the United States may be seized and detained by the naval or other duly commissioned officers of either of the High Contracting Parties, but they shall be handed over as soon as practicable to the authorities of the nation to which they respectively belong, who alone shall have jurisdiction to try the offence and impose the penalties for the same. The witnesses and proof necessary to establish the offence shall also be sent with them."

Now, therefore, I, Grover Cleveland, President of the United States, hereby warn all persons against entering the waters of Behring Sea within the dominion of the United States for the purpose of violating the provisions of said section 1956 of the Revised Statutes, and of the said Articles of said Convention ; and

I hereby proclaim that all persons found to be, or to have been engaged in any violation of the laws of the United States, or of the provisions of said Convention, in said waters, will be arrested, proceeded against, and punished as above provided.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, this 8th day of April, 1893, and of the Independence of the United States the 117th.

(L.S.) GROVER CLEVELAND.

By the President:

W. Q. GRESHAM, *Secretary of State*.

BRITISH ORDER IN COUNCIL, modifying the Regulations for the Prevention of Collisions at Sea, so far as regards Steam Pilot Vessels.—Osborne, August 18, 1892.

At the Court at Osborne House, Isle of Wight, the 18th day of August, 1892.

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by an Order in Council made in pursuance of "The Merchant Shipping Act Amendment Act, 1862,"* and dated the 11th day of August, 1884,† Her Majesty on the joint recommendation of the Admiralty and the Board of Trade, was pleased to direct that on and after the 1st day of September, 1884, the regulations contained in the Schedule thereto should, so far as regards British ships and boats, be substituted for the regulations contained in the First Schedule to an Order in Council made as aforesaid, and dated the 14th day of August, 1879;

And whereas by two Orders in Council made in pursuance of the said Act, and on such joint recommendation as aforesaid, and dated respectively the 30th day of December, 1884,‡ and the 24th day of June, 1885,§ certain modifications and additions were made to the said regulations contained in the Schedule to the said recited Order in Council of the 11th day of August, 1884, as regards British fishing vessels and boats;

And whereas by the said regulations contained in the Schedule to the said Order in Council of the 11th day of August, 1884, it is, amongst other things, provided as follows, namely:—

* Vol. LXVI, page 682.

† Vol. LXXV, page 588.

‡ Vol. LXXV, page 579.

§ Vol. LXXVI, page 479.

"Article 9. A pilot vessel, when engaged on her station on pilotage duty, shall not carry the lights required for other vessels, but shall carry a white light at the masthead, visible all round the horizon, and shall also exhibit a flare-up light or flare-up lights at short intervals, which shall never exceed fifteen minutes.

"A pilot vessel, when not engaged on her station on pilotage duty, shall carry lights similar to those of other ships;"

And whereas the Admiralty and the Board of Trade have, in pursuance of the said recited Act, jointly recommended to Her Majesty that the said regulations contained in the Schedule to the said Order in Council of the 11th day of August, 1884, should be further modified by adding to the said recited Article 9 thereof the provision contained in the Schedule hereto:

Now, therefore, Her Majesty by virtue of the powers vested in her by the said Act, and by and with the advice of her Privy Council, is pleased to direct that from the date of this Order the regulations contained in the Schedule to the said Order in Council of the 11th day of August, 1884, shall be further modified by the addition to the said recited Article 9 thereof the provisions contained in the Schedule hereto.

C. L. PEEL.

SCHEDULE.

A STEAM pilot vessel exclusively employed for the service of pilots licensed or certified by any pilotage authority or the Committee of any pilotage district in the United Kingdom when engaged on her station on pilotage duty, and in British waters and not at anchor, shall, in addition to the lights required for all pilot boats, carry, at a distance of 8 feet below her white masthead light, a red light, visible all round the horizon, and of such a character as to be visible on a dark night, with a clear atmosphere, at a distance of at least two miles, and also the coloured side-lights required to be carried by vessels when under way.

When engaged on her station on pilotage duty and in British waters and at anchor she shall carry, in addition to the light required for all pilot boats, the red light above-mentioned, but not the coloured side-lights.

When not engaged on her station on pilotage duty she shall carry the same lights as other vessels.

MESSAGE of the President of the United States, on the Opening of Congress.—Washington, December 4, 1893.

TO THE CONGRESS OF THE UNITED STATES.

THE constitutional duty which requires the President from time to time to give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient, is fittingly entered upon by commending to the Congress a careful examination of the detailed statement and well-supported recommendations contained in the reports of the heads of Departments, who are chiefly charged with the executive work of the Government. In an effort to abridge this communication as much as is consistent with its purpose, I shall supplement a brief reference to the contents of these departmental reports by the mention of such executive business and incidents as are not embraced therein, and by such recommendations as appear to be at this particular time appropriate.

While our foreign relations have not at all times during the past year been entirely free from perplexity, no embarrassing situation remains that will not yield to the spirit of fairness and love of justice, which, joined with consistent firmness, characterize a truly American foreign policy.

My predecessor having accepted the office of Arbitrator of the long-standing missions boundary dispute, tendered to the President by the Argentine Republic and Brazil, it has been my agreeable duty to receive the special envoys commissioned by those States to lay before me evidence and arguments in behalf of their respective Governments.

The outbreak of domestic hostilities in the Republic of Brazil found the United States alert to watch the interests of our citizens in that country, with which we carry on important commerce. Several vessels of our new navy are now, and for some time have been, stationed at Rio de Janeiro. The struggle being between the established government, which controls the machinery of administration, and with which we maintain friendly relations, and certain officers of the navy employing the vessels of their command in an attack upon the national capital and chief seaport, and lacking, as it does, the elements of divided administration, I have failed to see that the insurgents can reasonably claim recognition as belligerents.

Thus far the position of our Government has been that of an attentive but impartial observer of the unfortunate conflict. Emphasizing our fixed policy of impartial neutrality in such a condition of affairs as now exists, I deemed it necessary to disavow, in a

manner not to be misunderstood, the unauthorized action of our late naval commander in those waters in saluting the revolted Brazilian Admiral, being indisposed to countenance an act calculated to give gratuitous sanction to the local insurrection.

The Convention between our Government and Chile, having for its object the settlement and adjustment of the demands of the two countries against each other, has been made effective by the organization of the Claims Commission provided for. The two Governments failing to agree upon the third member of the Commission, the good offices of the President of the Swiss Republic were invoked, as provided in the Treaty, and the selection of the Swiss Representative in this country to complete the organization was gratifying alike to the United States and Chile.

The vexatious question of so-called Legation asylum for offenders against the State and its laws was presented anew in Chile by the unauthorized action of the late United States' Minister in receiving into his official residence two persons who had just failed in an attempt at revolution and against whom criminal charges were pending growing out of a former abortive disturbance. The doctrine of asylum as applied to this case is not sanctioned by the best precedents, and, when allowed, tends to encourage sedition and strife. Under no circumstances can the Representatives of this Government be permitted, under the ill-defined fiction of extra-territoriality, to interrupt the administration of criminal justice in the countries to which they are accredited. A temperate demand having been made by the Chilean Government for the correction of this conduct in the instance mentioned, the Minister was instructed no longer to harbour the offenders.

The legislation of last year, known as the Geary Law, requiring the registration of all Chinese labourers entitled to residence in the United States, and the deportation of all not complying with the provisions of the Act within the time prescribed, met with much opposition from Chinamen in this country. Acting upon the advice of eminent counsel that the Law was unconstitutional, the great mass of Chinese labourers, pending judicial inquiry as to its validity, in good faith declined to apply for the certificates required by its provisions. A test case upon proceeding by *habeas corpus* was brought before the Supreme Court, and on the 15th May, 1893, a decision was made by that Tribunal sustaining the Law.

It is believed that under the recent amendment of the Act extending the time for registration, the Chinese labourers thereto entitled, who desire to reside in this country, will now avail themselves of the renewed privilege thus afforded of establishing by lawful procedure their right to remain, and that thereby the necessity of enforced deportation may to a great degree be avoided.

It has been devolved upon the United States' Minister at Peking, as Dean of the Diplomatic Body, and in the absence of a Representative of Sweden and Norway, to press upon the Chinese Government reparation for the recent murder of Swedish missionaries at Sung-pu. This question is of vital interest to all countries whose citizens engage in missionary work in the interior.

By Article XII of the General Act of Brussels, signed the 2nd July, 1890, for the suppression of the Slave Trade and the restriction of certain injurious commerce in the Independent State of the Congo and in the adjacent zone of Central Africa, the United States and the other Signatory Powers agreed to adopt appropriate means for the punishment of persons selling arms and ammunition to the natives and for the confiscation of the inhibited articles. It being the plain duty of this Government to aid in suppressing the nefarious traffic, impairing as it does the praiseworthy and civilizing efforts now in progress in that region, I recommend that an Act be passed prohibiting the sale of arms and intoxicants to natives in the regulated zone by our citizens.

Costa Rica has lately testified its friendliness by surrendering to the United States, in the absence of a Convention of Extradition, but upon duly submitted evidence of criminality, a noted fugitive from justice. It is trusted that the negotiation of a Treaty with that country to meet recurring cases of this kind will soon be accomplished. In my opinion, Treaties for reciprocal extradition should be concluded with all those countries with which the United States has not already Conventional arrangements of that character.

I have deemed it fitting to express to the Governments of Costa Rica and Colombia the kindly desire of the United States to see their pending boundary dispute finally closed by arbitration in conformity with the spirit of the Treaty concluded between them some years ago.

Our relations with the French Republic continue to be intimate and cordial. I sincerely hope that the Extradition Treaty with that country, as amended by the Senate, will soon be operative.

While occasional questions affecting naturalized citizens returning to the land of their birth have arisen in our intercourse with Germany, our relations with that country continue satisfactory.

The questions affecting our relations with Great Britain have been treated in a spirit of friendliness.

Negotiations are in progress between the two Governments with a view to such concurrent action as will make the award and Regulations agreed upon by the Behring Sea Tribunal of Arbitration practically effective; and it is not doubted that Great Britain will co-operate freely with this country for the accomplishment of that purpose.

The dispute growing out of the discriminating tolls imposed in the Welland Canal, upon cargoes of cereals bound to and from the lake ports of the United States, was adjusted by the substitution of a more equitable schedule of charges, and my predecessor thereupon suspended his Proclamation imposing discriminating tolls upon British transit through our canals.

A request for additions to the list of extraditable offences covered by the existing Treaty between the two countries is under consideration.

During the past year an American citizen, employed in a subordinate commercial position in Hayti, after suffering a protracted imprisonment on an unfounded charge of smuggling, was finally liberated on judicial examination. Upon urgent representation to the Haytian Government, a suitable indemnity was paid to the sufferer.

By a law of Hayti, a sailing-vessel, having discharged her cargo, is refused clearance until the duties on such cargo have been paid. The hardship of this measure upon American ship-owners who conduct the bulk of the carrying trade of that country has been insisted on with a view of securing the removal of this cause of complaint.

Upon receiving authentic information of the firing upon an American mail-steamer touching at the port of Amapala, because her captain refused to deliver up a passenger in transit from Nicaragua to Guatemala upon demand of the military authorities of Honduras, our Minister to that country under instructions protested against the wanton act and demanded satisfaction. The Government of Honduras, actuated by a sense of justice, and in a spirit of the utmost friendship, promptly disavowed the illegal conduct of its officers, and expressed sincere regret for the occurrence.

It is confidently anticipated that a satisfactory adjustment will soon be reached of the questions arising out of the seizure and use of American vessels by insurgents in Honduras, and the subsequent denial by the successful Government of commercial privileges to those vessels on that account.

A notable part of the south-easterly coast of Liberia between the Cavally and San Pedro Rivers, which for nearly half a century has been generally recognized as belonging to that Republic by cession and purchase, has been claimed to be under the Protectorate of France in virtue of Agreements entered into by the native tribes over whom Liberia's control has not been well maintained.

More recently, negotiations between the Liberian Representative and the French Government resulted in the signature at Paris of a Treaty whereby, as an adjustment, certain Liberian territory is ceded

to France. This Convention at last advices had not been ratified by the Liberian Legislature and Executive.

Feeling a sympathetic interest in the fortunes of the little commonwealth, the establishment and development of which were largely aided by the benevolence of our countrymen, and which constitutes the only independently Sovereign State on the West Coast of Africa, this Government has suggested to the French Government its earnest concern lest territorial impairment in Liberia should take place without her unconstrained consent.

Our relations with Mexico continue to be of that close and friendly nature which should always characterize the intercourse of two neighbouring Republics.

The work of relocating the monuments marking the boundary between the two countries from Paso del Norte to the Pacific is now nearly completed.

The Commission recently organized under the Conventions of 1884 and 1889 it is expected will speedily settle disputes growing out of the shifting currents of the Rio Grande River east of El Paso.

Nicaragua has recently passed through two revolutions, the party at first successful having in turn been displaced by another. Our newly-appointed Minister, by his timely good offices, aided in a peaceful adjustment of the controversy involved in the first conflict. The large American interests established in that country in connection with the Nicaragua Canal were not molested.

The Canal Company has, unfortunately, become financially seriously embarrassed, but a generous treatment has been extended to it by the Government of Nicaragua. The United States are especially interested in the successful achievement of the vast undertaking this Company has in charge. That it should be accomplished under distinctively American auspices, and its enjoyment assured not only to the vessels of this country as a channel of communication between our Atlantic and Pacific sea-boards, but to the ships of the world in the interests of civilization, is a proposition which, in my judgment, does not admit of question.

Guatemala has also been visited by the political vicissitudes which have afflicted her Central American neighbours; but the dissolution of its Legislature and the Proclamation of a dictatorship have been unattended with civil war.

An Extradition Treaty with Norway has recently been exchanged and proclaimed.

The Extradition Treaty with Russia, signed in March 1887, and amended and confirmed by the Senate in February last, was duly proclaimed last June.

Led by a desire to compose differences and contribute to the restoration of order in Samoa, which for some years previous had

been the scene of conflicting foreign pretensions and native strife, the United States, departing from its policy consecrated by a century of observance, entered four years ago into the Treaty of Berlin, thereby becoming jointly bound with England and Germany to establish and maintain Malietoa Laupepa as King of Samoa. The Treaty provided for a foreign Court of Justice; a Municipal Council for the district of Apia, with a foreign President thereof, authorized to advise the King; a Tribunal for the settlement of native and foreign land titles, and a revenue system for the Kingdom. It entailed upon the three Powers that part of the cost of the new Government not met by the revenue of the islands.

Early in the life of this triple Protectorate the native dissensions it was designed to quell, revived. Rivals defied the authority of the new King, refusing to pay taxes and demanding the election of a Ruler by native suffrage. Mataafa, an aspirant to the throne, and a large number of his native adherents were in open rebellion on one of the islands. Quite lately, at the request of the other Powers, and in fulfilment of its Treaty obligation, this Government agreed to unite in a joint military movement of such dimensions as would probably secure the surrender of the insurgents without bloodshed.

The war-ship *Philadelphia* was accordingly put under orders for Samoa, but before she arrived the threatened conflict was precipitated by King Malietoa's attack upon the insurgent camp. Mataafa was defeated and a number of his men killed. The British and German naval vessels present subsequently secured the surrender of Mataafa and his adherents. The defeated Chief and ten of his principal supporters were deported to a German island of the Marshall group, where they were held as prisoners under the just responsibility and cost of the three Powers.

This incident and the events leading up to it signally illustrate the impolicy of entangling alliances with foreign Powers.

More than fifteen years ago this Government preferred a claim against Spain, in behalf of one of our citizens, for property seized and confiscated in Cuba. In 1886 the claim was adjusted, Spain agreeing to pay, unconditionally, as a fair indemnity, 1,500,000 dollars. A respectful but earnest note was recently addressed to the Spanish Government insisting upon prompt fulfilment of its long-neglected obligation.

Other claims, preferred by the United States against Spain, in behalf of American citizens for property confiscated in Cuba, have been pending for many years.

At the time Spain's title to the Caroline Islands was confirmed by arbitration, that Government agreed that the rights which had been acquired there by American missionaries should be recognized and respected. It is sincerely hoped that this pledge will be

observed by allowing our missionaries, who were removed from Ponape to a place of safety by a United States' war-ship during the late troubles between the Spanish garrison and the natives, to return to their field of usefulness.

The reproduced caraval, *Santa Maria*, built by Spain and sent to the Columbian Exposition, has been presented to the United States in token of amity and in commemoration of the event it was designed to celebrate. I recommend that, in accepting this gift, Congress make grateful recognition of the sincere friendship which prompted it.

Important matters have demanded attention in our relations with the Ottoman Porte.

The firing and partial destruction, by an unrestrained mob, of one of the school buildings of Anatolia College, established by citizens of the United States at Marsovan, and the apparent indifference of the Turkish Government to the outrage, notwithstanding the complicity of some of its officials, called for earnest remonstrance, which was followed by promises of reparation and punishment of the offenders.

Indemnity for the injury to the buildings has already been paid, permission to rebuild given, registration of the school property in the name of the American owners secured, and efficient protection guaranteed.

Information received of maltreatment suffered by an inoffensive American woman engaged in missionary work in Turkish Koordistan was followed by such representations to the Porte as resulted in the issuance of orders for the punishment of her assailants, the removal of a delinquent official, and the adoption of measures for the protection of our citizens engaged in mission and other lawful work in that quarter.

Turkey complains that her Armenian subjects obtain citizenship in this country, not to identify themselves in good faith with our people, but with the intention of returning to the land of their birth and there engaging in sedition. This complaint is not wholly without foundation. A journal published in this country in the Armenian language openly counsels its readers to arm, organize, and participate in movements for the subversion of Turkish authority in the Asiatic provinces. The Ottoman Government has announced its intention to expel from its dominions Armenians who have obtained naturalization in the United States since 1868.

The right to exclude any or all classes of aliens is an attribute of sovereignty. It is a right asserted and, to a limited extent, enforced by the United States, with the sanction of our highest Court. There being no Naturalization Treaty between the United States and

Turkey, our Minister at Constantinople has been instructed that, while recognizing the right of that Government to enforce its declared policy against naturalized Armenians, he is expected to protect them from unnecessary harshness of treatment.

In view of the impaired financial resources of Venezuela, consequent upon the recent revolution there, a modified arrangement for the satisfaction of the awards of the late revisory Claims Commission, in progressive instalments, has been assented to, and payments are being regularly made thereunder.

The boundary dispute between Venezuela and British Guiana is yet unadjusted. A restoration of diplomatic intercourse between that Republic and Great Britain, and reference of the question to impartial arbitration, would be a most gratifying consummation.

The ratification by Venezuela of the Convention for the arbitration of the long-deferred claim of the Venezuelan Transportation Company is awaited.

It is hardly necessary for me to state that the questions arising from our relations with Hawaii have caused serious embarrassment. Just prior to the installation of the present Administration the existing Government of Hawaii had been suddenly overthrown, and a Treaty of Annexation had been negotiated between the Provisional Government of the islands and the United States, and submitted to the Senate for ratification. This Treaty I withdrew for examination, and dispatched the Honourable James H. Blount, of Georgia, to Honolulu as a Special Commissioner to make an impartial investigation of the circumstances attending the change of government, and of all the conditions bearing upon the subject of the Treaty. After a thorough and exhaustive examination, Mr. Blount submitted to me his report, showing beyond all question that the Constitutional Government of Hawaii had been subverted with the active aid of our Representative to that Government, and through the intimidation caused by the presence of an armed naval force of the United States, which was landed for that purpose at the instance of our Minister. Upon the facts developed it seemed to me the only honourable course for our Government to pursue was to undo the wrong that had been done by those representing us, and to restore as far as practicable the status existing at the time of our forcible intervention. With a view of accomplishing this result within the constitutional limits of executive power, and recognizing all our obligations and responsibilities growing out of any changed conditions brought about by our unjustifiable interference, our present Minister at Honolulu has received appropriate instructions to that end. Thus far no information of the accomplishment of any definite results has been received from him.

Additional advices are soon expected. When received they will be promptly sent to the Congress, together with all other information at hand, accompanied by a special Executive message fully detailing all the facts necessary to a complete understanding of the case, and presenting a history of all the material events leading up to the present situation.

By a concurrent Resolution, passed by the Senate on the 14th February, 1890, and by the House of Representatives on the 3rd April following, the President was requested "to invite, from time to time, as fit occasions may arise, negotiations with any Government with which the United States has or may have diplomatic relations, to the end that any differences or disputes arising between the two Governments which cannot be adjusted by diplomatic agency may be referred to arbitration and be peaceably adjusted by such means." On the 18th April, 1890, the International American Conference of Washington, by Resolution, expressed the wish that all controversies between the Republics of America and the nations of Europe might be settled by arbitration, and recommended that the Government of each nation represented in that Conference should communicate this wish to all friendly Powers. A favourable response has been received from Great Britain in the shape of a Resolution adopted by Parliament on the 16th July last, cordially sympathizing with the purpose in view, and expressing the hope that Her Majesty's Government will lend ready co-operation to the Government of the United States upon the basis of the concurrent Resolution above quoted.

It affords me signal pleasure to lay this Parliamentary Resolution before the Congress and to express my sincere gratification that the sentiment of two great and kindred nations is thus authoritatively manifested in favour of the rational and peaceable settlement of international quarrels by honourable resort to arbitration.

Since the passage of the Act of the 3rd March, 1893, authorizing the President to raise the grade of our Envoys to correspond with the rank in which foreign countries accredit their Agents here, Great Britain, France, Italy, and Germany have conferred upon their Representatives at this capital the title of Ambassador, and I have responded by accrediting the Agents of the United States in those countries with the same title. A like elevation of mission is announced by Russia, and when made will be similarly met. This step fittingly comports with the position the United States hold in the family of nations.

During my former administration I took occasion to recommend a recast of the laws relating to the Consular service, in order that it might become a more efficient agency in the promotion of the interests it was intended to subserve. The duties and powers of

Consuls have been expanded with the growing requirements of our foreign trade. Discharging important duties affecting our commerce and American citizens abroad, and in certain countries exercising judicial functions, these officers should be men of character, intelligence, and ability.

Upon proof that the Legislation of Denmark secures copyright to American citizens on equal footing with its own, the privileges of our copyright laws have been extended by Proclamation to subjects of that country.

The Secretary of the Treasury reports that the receipts of the Government from all sources during the fiscal year ended the 30th June, 1893, amounted to 461,716,561 dol. 94 c. and its expenditures to 459,374,674 dol. 29 c. There was collected from customs 205,355,016 dol. 73 c., and from internal revenue 161,027,623 dol. 93 c. Out dutiable imports amounted to 421,856,711 dollars, an increase of 52,453,907 dollars over the preceding year, and importations free of duty amounted to 444,544,211 dollars, a decrease from the preceding year of 13,455,447 dollars. Internal revenue receipts exceeded those of the preceding year by 7,147,445 dol. 32 c.

The total tax collected on distilled spirits was 94,720,260 dol. 55 c., on manufactured tobacco 31,889,711 dol. 74 c., and on fermented liquors 32,548,983 dol. 7 c. We exported merchandize during the year amounting to 847,665,194 dollars, a decrease of 182,612,954 dollars from the preceding year. The amount of gold exported was larger than any previous year in the history of the Government, amounting to 108,680,844 dollars, and exceeding the amount exported during the preceding year by 58,485,517 dollars.

The sum paid from the Treasury for sugar bounty was 9,375,130 dol. 88 c., an increase over the preceding year of 2,033,053 dol. 9 c.

It is estimated upon the basis of present revenue laws that the receipts of the Government for the year ending the 30th June, 1894, will be 430,121,365 dol. 38 c. and its expenditures 458,121,365 dol. 38 c., resulting in a deficiency of 28,000,000 dollars.

On the 1st day of November, 1893, the amount of money of all kinds in circulation, or not included in Treasury holdings, was 1,718,544,682 dollars, an increase for the year of 112,404,947 dollars. Estimating our population at 67,426,000 at the time mentioned, the *per capita* circulation was 25 dol. 49 c. On the same date there was in the Treasury gold bullion amounting to 96,657,273 dollars and silver bullion, which was purchased at a cost of 126,261,553 dollars.

The purchases of silver under the Law of the 14th July, 1890, during the last fiscal year, aggregated 54,008,152.59 fine ounces, which cost 45,531,374 dol. 53 c. The total amount of silver pur-

chased from the time that Law became operative until the repeal of its purchasing clause, on the 1st day of November, 1893, was 168,674,590.46 fine ounces, which cost 155,930,940 dol. 84 c. Between the 1st day of March, 1873, and the 1st day of November, 1893, the Government purchased, under all laws, 503,003,717 fine ounces of silver at a cost of 516,622,948 dollars. The silver dollars that have been coined under the Act of the 14th July, 1890, number 36,087,285. The seigniorage arising from such coinage was 6,977,098 dol. 39 c., leaving on hand in the mints 140,699,760 fine ounces of silver, which cost 126,758,218 dollars.

Our total coinage of all metals during the last fiscal year consisted of 97,280,875 pieces valued at 43,685,178 dol. 80 c., of which there was 30,038,140 dollars in gold coin, 5,343,715 in silver dollars, 7,217,220 dol. 90 c. in subsidiary silver coin, and 1,086,102 dol. 90 c. in minor coins.

During the calendar year 1892 the production of precious metals in the United States was estimated to be 1,596,375 fine ounces of gold of the commercial and coinage value of 33,000,000 dollars, and 58,000,000 fine ounces of silver of the bullion or market value of 50,750,000 dollars and of the coinage value of 74,989,900 dollars.

It is estimated that on the 1st day of July, 1893, the metallic stock of money in the United States, consisting of coin and bullion, amounted to 1,213,559,169 dollars, of which 597,697,685 dollars was gold and 615,861,484 dollars was silver.

One hundred and nineteen national banks were organized during the year ending the 31st October, 1893, with a capital of 11,230,000 dollars. Forty-six went into voluntary liquidation and one hundred and fifty-eight suspended. Sixty-five of the suspended banks were insolvent, eighty-six resumed business, and seven remain in the hands of bank examiners, with prospects of speedy resumption. Of the new banks organized, forty-four were located in the Eastern States, forty-one west of the Mississippi River, and thirty-four in the Central and Southern States. The total number of national banks in existence on the 31st day of October, 1893, was 3,796, having an aggregate capital of 695,558,120 dollars. The net increase in the circulation of these banks during the year was 36,886,972 dollars.

The recent repeal of the provision of the law requiring the purchase of silver bullion by the Government as a feature of our monetary scheme has made an entire change in the complexion of our currency affairs. I do not doubt that the ultimate result of this action will be most salutary and far-reaching. In the nature of things, however, it is impossible to know at this time precisely what conditions will be brought about by the change, or what, if any, supplementary legislation may, in the light of such conditions,

appear to be essential or expedient. Of course, after the recent financial perturbation, time is necessary for the re-establishment of business confidence. When, however, through this restored confidence the money which has been frightened into hoarding places is returned to trade and enterprise, a survey of the situation will probably disclose a safe path leading to a permanently sound currency, abundantly sufficient to meet every requirement of our increasing population and business.

In the pursuit of this object we should resolutely turn away from alluring and temporary expedients, determined to be content with nothing less than a lasting and comprehensive financial plan. In these circumstances I am convinced that a reasonable delay in dealing with this subject, instead of being injurious, will increase the probability of wise action.

The Monetary Conference which assembled at Brussels upon our invitation was adjourned to the 30th day of November in the present year. The considerations just stated, and the fact that a definite proposition from us seemed to be expected upon the reassembling of the Conference, led me to express a willingness to have the meeting still further postponed.

It seems to me that it would be wise to give general authority to the President to invite other nations to such a Conference at any time when there should be a fair prospect of accomplishing an international Agreement on the subject of coinage.

I desire also to earnestly suggest the wisdom of amending the existing Statutes in regard to the issuance of Government bonds. The authority now vested in the Secretary of the Treasury to issue bonds is not as clear as it should be, and the bonds authorized are disadvantageous to the Government both as to the time of their maturity and rate of interest.

The Superintendent of Immigration, through the Secretary of the Treasury, reports that during the last fiscal year there arrived at our ports 440,793 immigrants. Of these 1,063 were not permitted to land under the limitations of the law, and 577 were returned to the countries from whence they came by reason of their having become public charges. The total arrivals were 141,034 less than for the previous year.

The Secretary, in his Report, gives an account of the operation of the Marine Hospital Service and of the good work done under its supervision in preventing the entrance and spread of contagious diseases.

The admonitions of the last two years touching our public health and the demonstrated danger of the introduction of contagious diseases from foreign ports has invested the subject of national quarantine with increased interest. A more general and harmonious

system than now exists, acting promptly and directly everywhere, and constantly operating by preventive means to shield our country from the invasion of disease, and at the same time having due regard to the rights and duties of local agencies, would, I believe, add greatly to the safety of our people.

The Secretary of War reports that the strength of the army on the 30th day of September last was 25,778 enlisted men and 2,144 officers.

The total expenditures of the Department for the year ending the 30th June, 1893, amounting to 51,966,074 dol. 89 c. Of this sum 1,992,581 dol. 95 c. was for salaries and contingent expenses 23,377,828 dol. 35 c. for the support of the military establishment, 6,077,033 dol. 18 c. for miscellaneous objects, and 20,518,631 dol. 41 c. for public works. This latter sum includes 15,296,876 dol. 46 c. for river and harbour improvements, and 3,266,141 dol. 20 c. for fortifications and other works of defence.

The total enrolment of the militia of the several States was, on the 31st October of the current year, 112,597 officers and enlisted men. The officers of the army detailed for the inspection and instruction of this reserve of our military force report that increased interest and marked progress are apparent in the discipline and efficiency of the organization.

Neither Indian outbreaks nor domestic violence have called the army into service during the year, and the only active military duty required of it has been in the Department of Texas, where violations of the neutrality laws of the United States and Mexico were promptly and efficiently dealt with by the troops, eliciting the warm approval of the civil and military authorities of both countries.

The operation of wise laws and the influences of civilization constantly tending to relieve the country from the dangers of Indian hostilities, together with the increasing ability of the States, through the efficiency of the National Guard organizations, to protect their citizens from domestic violence, lead to the suggestion that the time is fast approaching when there should be a reorganization of our army on the lines of the present necessities of the country. This change contemplates neither increase in number nor added expense, but a redistribution of the force and an encouragement of measures tending to greater efficiency among the men and improvement of the service.

The adoption of battalion formations for infantry regiments, the strengthening of the artillery force, the abandonment of smaller and unnecessary posts, and the massing of the troops at important and accessible stations, all promise to promote the usefulness of the army. In the judgment of army officers, with but few exceptions, the operation of the law forbidding the re-enlistment of men after

ten years' service has not proved its wisdom, and while the arguments that led to its adoption were not without merit, the experience of the year constrains me to join in the recommendation for its repeal.

It is gratifying to note that we have begun to attain completed results in the comprehensive scheme of sea-coast defence and fortification entered upon eight years ago. A large sum has been already expended, but the cost of maintenance will be inconsiderable as compared with the expense of construction and ordnance. At the end of the current calendar year the War Department will have nine 12-inch, twenty 10-inch, and thirty-four 8-inch guns, ready to be mounted on gun lifts and carriages, and seventy-five 12-inch mortars. In addition to the product of the Army Gun Factory, now completed at Watervliet, the Government has contracted with private parties for the purchase of 100 guns of these calibres, the first of which should be delivered to the Department for test before the 1st July, 1894.

The manufacture of heavy ordnance keeps pace with current needs; but to render these guns available for the purposes they are designed to meet, emplacements must be prepared for them. Progress has been made in this direction, and it is desirable that Congress by adequate appropriations should provide for the uninterrupted prosecution of this necessary work.

After much preliminary work and exhaustive examination in accordance with the requirements of the law, the Board appointed to select a magazine rifle of modern type with which to replace the obsolete Springfield rifle of the infantry service completed its labours during the last year, and the work of manufacture is now in progress at the National Armoury at Springfield. It is confidently expected that by the end of the current year our infantry will be supplied with a weapon equal to that of the most progressive armies of the world.

The work on the projected Chickamaunga and Chattanooga National Military Park has been prosecuted with zeal and judgment, and its opening will be celebrated during the coming year. Over 9 square miles of the Chickamaunga battlefield have been acquired, 25 miles of roadway have been constructed, and permanent tablets have been placed at many historical points, while the invitation to the States to mark the positions of their troops participating in the battle has been very generally accepted.

The work of locating and preserving the lines of battle at the Gettysburg battlefield is making satisfactory progress on the plans directed by the last Congress.

The reports of the Military Academy at West Point and the several schools for special instruction of officers show marked advance in the education of the army and a commendable ambition

among its officers to excel in the military profession and to fit themselves for the highest service to the country.

Under the supervision of Adjutant-General Robert Williams, lately retired, the Bureau of Military Information has become well established and is performing a service that will put in possession of the Government in time of war most valuable information, and at all times serve a purpose of great utility in keeping the army advised of the world's progress in all matters pertaining to the art of war.

The Report of the Attorney-General contains the usual summary of the affairs and proceedings of the Department of Justice for the past year, together with certain recommendations as to needed legislation on various subjects. I cannot too heartily indorse the proposition that the fee system as applicable to the compensation of United States' Attorneys, marshals, clerks of Federal Courts, and United States' Commissioners, should be abolished with as little delay as possible. It is clearly in the interest of the community that the business of the Courts, both civil and criminal, shall be as small and as inexpensively transacted as the ends of justice will allow.

The system is therefore thoroughly vicious which makes the compensation of Court officials depend upon the volume of such business, and thus creates a conflict between a proper execution of the law and private gain, which cannot fail to be dangerous to the rights and freedom of the citizen and an irresistible temptation to the unjustifiable expenditure of public funds. If in addition to this reform another was inaugurated which would give to United States Commissioners the final disposition of petty offences within the grade of misdemeanours, especially those coming under the internal revenue laws, a great advance would be made towards a more decent administration of the criminal law.

In my first Message to Congress, dated the 8th December, 1885, I strongly recommended these changes and referred somewhat at length to the evils of the present system. Since that time the criminal business of the Federal Courts and the expense attending it have enormously increased. The number of criminal prosecutions pending in the Circuit and District Courts of the United States on the 1st day of July, 1885, was 3,808, of which 1,884 were for violations of the internal revenue laws; while the number of such prosecutions pending on the 1st day of July, 1893, was 9,500, of which 4,200 were for violations of the internal revenue laws. The expense of the United States' Courts, exclusive of Judges' salaries, for the year ending the 1st July, 1885, was 2,874,733 dol. 11 c., and for the year ending the 1st July, 1893, 4,528,676 dol. 87 c.

It is therefore apparent that the reasons given in 1885 for a
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change in the manner of enforcing the Federal criminal law have gained cogency and strength by lapse of time.

I also heartily join the Attorney-General in recommending legislation fixing degrees of the crime of murder within Federal jurisdiction, as has been done in many of the States; authorizing writs of error on behalf of the Government in cases where final judgment is rendered against the sufficiency of an indictment or against the Government upon any other question arising before actual trial; limiting the right of review in cases of felony punishable only by fine and imprisonment to the Circuit Court of Appeals, and making speedy provision for the construction of such prisons and reformatories as may be necessary for the confinement of United States' convicts.

The Report of the Postmaster-General contains a detailed statement of the operations of the Post Office Department during the last fiscal year and much interesting information touching this important branch of the public service.

The business of the mails indicates with absolute certainty the condition of the business of the country, and depression in financial affairs inevitably and quickly reduces the postal revenues. Therefore a larger discrepancy than usual between the post-office receipts and expenditures is the expected and unavoidable result of the distressing stringency which has prevailed throughout the country during much of the time covered by the Postmaster-General's Report. At a date when better times were anticipated it was estimated by his predecessor that the deficiency on the 30th day of June, 1893, would be but a little over 1,500,000 dollars. It amounted, however, to more than 5,000,000. At the same time, and under the influence of like anticipations, estimates were made for the current fiscal year ending the 30th June, 1894, which exhibited a surplus of revenue over expenditures of 872,245 dol. 71 c.; but now, in view of the actual receipts and expenditures during that part of the current fiscal year already expired, the present Postmaster-General estimates that at its close instead of a surplus there will be a deficiency of nearly 8,000,000 dollars.

The post-office receipts for the last fiscal year amounted to 75,896,933 dol. 16 c. and its expenditures to 81,074,104 dol. 90 c. This post-office deficiency would disappear or be immensely decreased if less matter was carried free through the mails, an item of which is upward of 300 tons of seeds and grain from the Agricultural Department.

The total number of post offices in the United States on the 30th day of June, 1893, was 68,403, an increase of 1,284 over the preceding year. Of these 3,360 were Presidential, an increase in that class of 204 over the preceding year.

Forty-two free-delivery offices were added during the year to those already existing, making a total of 610 cities and towns provided with free delivery on the 30th June, 1893. Ninety-three other cities and towns are now entitled to this service under the law, but it has not been accorded them on account of insufficient funds to meet the expense of its establishment.

I am decidedly of the opinion that the provisions of the present law permit as general an introduction of this feature of mail service as is necessary or justifiable, and that it ought not to be extended to smaller communities than are now designated.

The expense of free delivery for the fiscal year ending the 30th June, 1894, will be more than 11,000,000 dollars, and under legislation now existing there must be a constant increase in this item of expenditure.

There were 6,401 additions to the domestic money-order offices during the last fiscal year, being the largest increase in any year since the inauguration of the system. The total number of these offices at the close of the year was 18,434. There were 13,309,735 money orders issued from these offices, being an increase over the preceding year of 1,240,293, and the value of these orders amounted to 127,576,433 dol. 65 c., an increase of 7,509,632 dol. 58 c. There were also issued during the year postal notes amounting to 12,903,076 dol. 73 c.

During the year 195 international money-order offices were added to those already provided, making a total of 2,407 in operation on the 30th June, 1893. The number of international money orders issued during the year was 1,055,999, an increase over the preceding year of 72,525, and their value was 16,341,837 dol. 86 c., an increase of 1,221,506 dol. 31 c. The number of orders paid was 300,917, an increase over the preceding year of 13,503, and their value was 5,283,375 dol. 70 c., an increase of 94,094 dol. 83 c.

From the foregoing statements it appears that the total issue of money orders and postal notes for the year amounted to 156,821,348 dol. 24 c.

The number of letters and packages mailed during the year for special delivery was 3,375,693, an increase over the preceding year of nearly 22 per cent. The special delivery stamps used upon these letters and packages amounted to 337,569 dol. 30 c., and the messengers' fees paid for their delivery amounted to 256,592 dol. 71 c., leaving a profit to the Government of 80,976 dol. 59 c.

The Railway Mail Service not only adds to the promptness of mail delivery at all offices, but it is the especial instrumentality which puts the smaller and way places in the service on an equality in that regard with the larger and terminal offices. This branch of the postal service has therefore received much attention from the

Postmaster-General, and though it is gratifying to know that it is in a condition of high efficiency and great usefulness, I am led to agree with the Postmaster-General that there is room for its further improvement.

There are now connected with the Post Office establishment 28,324 employés who are in the classified service. The head of this great Department gives conclusive evidence of the value of civil service reform when, after an experience that renders his judgment on the subject absolutely reliable, he expresses the opinion that without the benefit of this system it would be impossible to conduct the vast business intrusted to him.

I desire to commend as especially worthy of prompt attention the suggestions of the Postmaster-General relating to a more sensible and business-like organization and a better distribution of responsibility in his Department.

The Report of the Secretary of the Navy contains a history of the operations of his Department during the past year, and exhibits a most gratifying condition of the personnel of our navy. He presents a satisfactory account of the progress which has been made in the construction of vessels, and makes a number of recommendations to which attention is especially invited.

During the past six months the demands for cruising vessels have been many and urgent. There have been revolutions calling for vessels to protect American interests in Nicaragua, Guatemala, Costa Rica, Honduras, Argentina, and Brazil, while the condition of affairs in Honolulu has required the constant presence of one or more ships. With all these calls upon our navy, it became necessary, in order to make up a sufficient fleet to patrol the Behring Sea under the *modus vivendi* agreed upon with Great Britain, to detail to that service one vessel from the Fish Commission and three from the Revenue Marine.

Progress in the construction of new vessels has not been as rapid as was anticipated. There have been delays in the completion of unarmoured vessels, but for the most part they have been such as are constantly occurring even in countries having the largest experience in naval ship-building. The most serious delays, however, have been in the work upon armoured ships. The trouble has been the failure of contractors to deliver armour as agreed. The difficulties seem now, however, to have been all overcome, and armour is being delivered with satisfactory promptness. As a result of the experience acquired by ship-builders and designers and material men, it is believed that the dates when vessels will be completed can now be estimated with reasonable accuracy. Great guns, rapid-fire guns, torpedoes, and powder are being promptly supplied.

The following vessels of the new navy have been completed and are now ready for service :—

The double-turreted coast defence monitor *Miantonomoh*, the double-turreted coast defence monitor *Monterey*, the armoured cruiser *New York*, the protected cruisers *Baltimore*, *Chicago*, *Philadelphia*, *Newark*, *San Francisco*, *Charleston*, *Atlanta*, and *Boston*, the cruiser *Detroit*, the gun-boats *Yorktown*, *Concord*, *Bennington*, *Machias*, *Castine*, and *Petrel*, the despatch-vessel *Dolphin*, the practice vessel *Bancroft*, and the dynamite gun-boat *Vesuvius*. Of these the *Bancroft*, *Machias*, *Detroit*, and *Castine* have been placed in commission during the current calendar year.

The following vessels are in process of construction :—

The second-class battle-ships *Maine* and *Texas*, the cruisers *Montgomery* and *Marblehead*, and the coast-defence monitors *Terror*, *Puritan*, *Amphitrite* and *Monadnock*, all of which will be completed within one year; the harbour-defence ram *Katahdin* and the protected cruisers *Columbia*, *Minneapolis*, *Olympia*, *Cincinnati*, and *Raleigh*, all of which will be completed prior to the 1st July, 1895; the first-class battle-ships *Iowa*, *Indiana*, *Massachusetts*, and *Oregon*, which will be completed by the 1st February, 1896, and the armoured cruiser *Brooklyn*, which will be completed by the 1st August of that year. It is also expected that the three gun-boats authorized by the last Congress will be completed in less than two years.

Since 1886 Congress has at each Session authorized the building of one or more vessels, and the Secretary of the Navy presents an earnest plea for the continuance of this plan. He recommends the authorization of at least one battle-ship and six torpedo-boats.

While I am distinctly in favour of consistently pursuing the policy we have inaugurated of building up a thorough and efficient navy, I cannot refrain from the suggestion that the Congress should carefully take into account the number of unfinished vessels on our hands and the depleted condition of our Treasury in considering the propriety of an appropriation at this time to begin new work.

The method of employing mechanical labour at navy-yards through boards of labour, and making efficiency the sole test by which labourers are employed and continued, is producing the best results, and the Secretary is earnestly devoting himself to its development. Attention is invited to the statements of his Report in regard to the workings of the system.

The Secretary of the Interior has the supervision of so many important subjects that his Report is of especial value and interest.

On the 30th day of June, 1893, there were on the pension rolls 966,012 names, an increase of 89,944 over the number on the rolls

on the 30th June, 1892. Of these there were seventeen widows and daughters of Revolutionary soldiers, eighty-six survivors of the war of 1812, 5,425 widows of soldiers of that war, 21,518 survivors and widows of the Mexican war, 3,882 survivors and widows of Indian wars, 284 army nurses, and 475,645 survivors, and widows and children of deceased soldiers and sailors of the war of the rebellion. The latter number represents those pensioned on account of disabilities or death resulting from army and navy service. The number of persons remaining on the rolls on the 30th June, 1893, who were pensioned under the Act of the 27th June, 1890, which allows pensions on account of death and disability not chargeable to army service, was 459,155.

The number added to the rolls during the year was 123,634, and the number dropped was 33,690. The first payments on pensions allowed during the year amounted to 33,756,549 dol. 98 c. This includes arrears, or the accumulation between the time from which the allowance of pension dates and the time of actually granting the certificate.

Although the Law of 1890 permits pensions for disabilities not related to military service, yet as a requisite to its benefits a disability must exist incapacitating applicants "from the performance of manual labour to such a degree as to render them unable to earn a support." The execution of this Law in its early stages does not seem to have been in accord with its true intention; but towards the close of the last Administration an authoritative construction was given to the Statute, and since that time this construction has been followed. This has had the effect of limiting the operation of the Law to its intended purpose. The discovery having been made that many names had been put upon the pension roll by means of wholesale and gigantic frauds, the Commissioner suspended payments upon a number of pensions which seemed to be fraudulent or unauthorized pending a complete examination, giving notice to the pensioners in order that they might have an opportunity to establish, if possible, the justice of their claims notwithstanding apparent invalidity.

This, I understand, is the practice which has for a long time prevailed in the Pension Bureau; but after entering upon these recent investigations the Commissioner modified this rule so as not to allow, until after a complete examination, interference with the payment of a pension apparently not altogether void, but which merely had been fixed at a rate higher than that authorized by law.

I am unable to understand why frauds in the pension rolls should not be exposed and corrected with thoroughness and vigour. Every name fraudulently put upon these rolls is a wicked imposition upon

the kindly sentiment in which pensions have their origin; every fraudulent pensioner has become a bad citizen; every false oath in support of a pension has made perjury more common, and false and undeserving pensioners rob the people not only of their money, but of the patriotic sentiment which the survivors of a war fought for the preservation of the Union ought to inspire. Thousands of neighbourhoods have their well-known fraudulent pensioners, and recent developments by the Bureau establish appalling conspiracies to accomplish pension frauds. By no means the least wrong done is to brave and deserving pensioners, who certainly ought not to be condemned to such association.

Those who attempt in the line of duty to rectify these wrongs should not be accused of enmity or indifference to the claims of honest veterans.

The sum expended on account of pensions for the year ending the 30th June, 1893, was 156,740,467 dol. 14 c.

The Commissioner estimates that 165,000,000 dollars will be required to pay pensions during the year ending the 30th June, 1894.

The condition of the Indians and their ultimate fate are subjects which are related to a sacred duty of the Government, and which strongly appeal to the sense of justice and the sympathy of our people.

Our Indians number about 248,000. Most of them are located on 161 reservations, containing 86,116,531 acres of land. About 110,000 of these Indians have, to a large degree, adopted civilized customs. Lands in severalty have been allotted to many of them. Such allotments have been made to 10,000 individuals during the last fiscal year, embracing about 1,000,000 acres. The number of Indian Government schools open during the year was 195, an increase of twelve over the preceding year. Of this total 170 were on reservations, of which 73 were boarding schools and 97 were day schools. Twenty boarding schools and 5 day schools supported by the Government were not located on reservations. The total number of Indian children enrolled during the year as attendants of all schools was 21,138, an increase of 1,231 over the enrolment for the previous year.

I am sure that secular education and moral and religious teaching must be important factors in any effort to save the Indian and lead him to civilization. I believe, too, that the relinquishment of tribal relations and the holding of land in severalty may, in favourable conditions, aid this consummation. It seems to me, however, that allotments of land in severalty ought to be made with great care and circumspection. If hastily done, before the Indian knows its meaning, while yet he has little or no idea of tilling a farm and no

conception of thrift, there is great danger that a reservation life in tribal relations may be exchanged for the pauperism of civilization, instead of its independence and elevation.

The solution of the Indian problem depends very largely upon good administration. The personal fitness of agents and their adaptability to the peculiar duty of caring for their wards, is of the utmost importance.

The law providing that, except in especial cases, army officers shall be detailed as Indian agents, it is hoped will prove a successful experiment.

There is danger of great abuses creeping into the prosecution of claims for Indian depredations, and I recommend that every possible safeguard be provided against the enforcement of unjust and fictitious claims of this description.

The appropriations on account of the Indian Bureau for the year ending the 30th June, 1894, amounted to 7,954,962 dol. 99 c., a decrease as compared with the year preceding it of 387,131 dol. 95 c.

The vast area of land which, but a short time ago, constituted the public domain is rapidly falling into private hands. It is certain that in the transfer the beneficent intention of the Government to supply from its domain homes to the industrious and worthy home-seekers is often frustrated. Though the speculator, who stands with extortionate purpose between the land office and those who, with their families, are invited by the Government to settle on the public lands is a despicable character who ought not to be tolerated, yet it is difficult to thwart his schemes. The recent opening to settlement of the lands in the Cherokee Outlet, embracing an area of 6,500,000 acres, notwithstanding the utmost care in framing the regulations governing the selection of locations and notwithstanding the presence of United States' troops, furnished an exhibition, though perhaps in a modified degree, of the mad scramble, the violence, and the fraudulent occupation which have accompanied previous openings of public land.

I concur with the Secretary in the belief that these outrageous incidents cannot be entirely prevented without a change in the laws on the subject, and I hope his recommendations in that direction will be favourably considered.

I especially commend to the attention of the Congress the statements contained in the Secretary's Report concerning forestry. The time has come when efficient measures should be taken for the preservation of our forests from indiscriminate and remediless destruction.

The Report of the Secretary of Agriculture will be found exceedingly interesting, especially to that large part of our citizens intimately concerned in agricultural occupations.

On the 7th day of March, 1893, there were upon its pay rolls 2,430 employés. This number has been reduced to 1,850 persons. In view of a depleted public Treasury and the imperative demand of the people for economy in the administration of their Government, the Secretary has entered upon the task of rationally reducing expenditures by the elimination from the pay rolls of all persons not needed for an efficient conduct of the affairs of the Department.

During the first quarter of the present year the expenses of the Department aggregated 345,876 dol. 76 c., as against 402,012 dol. 42 c. for the corresponding period of the fiscal year ending the 30th June, 1893. The Secretary makes apparent his intention to continue this rate of reduction by submitting estimates for the next fiscal year less by 994,280 dollars than those for the present year.

Among the heads of divisions in this Department the changes have been exceedingly few. Three vacancies occurring from death and resignations have been filled by the promotion of assistants in the same divisions.

These promotions of experienced and faithful assistants have not only been in the interest of efficient work, but have suggested to those in the Department who look for retention and promotion that merit and devotion to duty are their best reliance.

The amount appropriated for the Bureau of Animal Industry for the current fiscal year is 850,000 dollars; the estimate for the ensuing year is 700,000 dollars.

The Regulations of 1892 concerning Texas fever have been enforced during the past year, and the large stock-yards of the country have been kept free from infection. Occasional local outbreaks have been largely such as could have been effectively guarded against by the owners of the affected cattle.

While contagious pleuro-pneumonia in cattle has been eradicated, animal tuberculosis, a disease widespread and more dangerous to human life than pleuro-pneumonia, is still prevalent. Investigations have been made during the past year as to the means of its communication and the method of its correct diagnosis. Much progress has been made in this direction by the studies of the Division of Animal Pathology, but work ought to be extended, in co-operation with local authorities, until the danger to human life arising from this cause is reduced to a minimum.

The number of animals arriving from Canada during the year and inspected by Bureau officers was 562,092, and the number from transatlantic countries was 1,297. No contagious diseases were found among the imported animals.

The total number of inspections of cattle for export during the past fiscal year was 611,542. The exports show a falling off of

about 25 per cent. from the preceding year, the decrease occurring entirely in the last half of the year. This suggests that the falling off may have been largely due to an increase in the price of American export cattle.

During the year ending the 30th June, 1893, exports of inspected pork aggregated 20,677,410 lb., as against 38,152,874 lb. for the preceding year. The falling off in this export was not confined, however, to inspected pork, the total quantity exported for 1892 being 665,490,616 lbs., while in 1893 it was only 527,308,695 lbs.

I join the Secretary in recommending that hereafter each applicant for the position of Inspector or Assistant Inspector in the Bureau of Animal Industry be required, as a condition precedent to his appointment, to exhibit to the United States' Civil Service Commission his diploma from an established, regular, and reputable veterinary college, and that this be supplemented by such an examination in veterinary science as the Commission may prescribe.

The exports of agricultural products from the United States for the fiscal year ending the 30th June, 1892, attained the enormous figure of 800,000,000 dollars, in round numbers, being 78·7 per cent. of our total exports. In the last fiscal year this aggregate was greatly reduced, but, nevertheless, reached 615,000,000, being 75·1 per cent. of all American commodities exported.

A review of our agricultural exports with special reference to their destination will show that in almost every line the United Kingdom of Great Britain and Ireland absorbs by far the largest proportion. Of cattle the total exports aggregated in value for the fiscal year ending the 30th June, 1893, 26,000,000 dollars, of which Great Britain took considerably over 25,000,000 dollars. Of beef products of all kinds our total exports were 28,000,000 dollars, of which Great Britain took 24,000,000 dollars. Of pork products the total exports were 84,000,000 dollars, of which Great Britain took 53,000,000 dollars. In bread-stuffs, cotton, and minor products like proportions sent to the same destination are shown.

The work of the Statistical Division of the Department of Agriculture deals with all that relates to the economics of farming.

The main purpose of its monthly reports is to keep the farmers informed as fully as possible of all matters having any influence upon the world's markets, in which their products find sale. Its publications relate especially to the commercial side of farming.

It is therefore of profound importance and vital concern to the farmers of the United States, who represent nearly one-half of our population, and also of direct interest to the whole country, that the work of this division be efficiently performed and that the information it has gathered be promptly diffused.

It is a matter for congratulation to know that the Secretary will not spare any effort to make this part of his work thoroughly useful.

In the year 1839 the Congress appropriated 1,000 dollars, to be taken from the Patent Office funds, for the purpose of collecting and distributing rare and improved varieties of seeds, and for prosecuting agricultural investigations and procuring agricultural statistics. From this small beginning the Seed Division of the Department of Agriculture has grown to its present unwieldy and unjustifiably extravagant proportions.

During the last fiscal year the cost of seeds purchased was 66,548 dol. 61 c. The remainder of an appropriation of 135,000 dollars was expended in putting them up and distributing them. It surely never could have entered the minds of those who first sanctioned appropriations of public money for the purchase of new and improved varieties of seeds for gratuitous distribution that from this would grow large appropriations for the purchase and distribution by members of Congress of ordinary seeds, bulbs, and cuttings which are common in all the States and territories and everywhere easily obtainable at low prices.

In each State and Territory an agricultural experiment station has been established. These stations, by their very character and name, are the proper agencies to experiment with and test new varieties of seeds; and yet this indiscriminate and wasteful distribution by legislation and legislators continues, answering no purpose unless it be to remind constituents that their Representatives are willing to remember them with gratuities at public cost.

Under the sanction of existing legislation there was sent out from the Agricultural Department during the last fiscal year enough of cabbage seed to plant 19,200 acres of land, a sufficient quantity of beans to plant 4,000 acres, beet seed enough to plant 2,500 acres, sweet corn enough to plant 7,800 acres, sufficient cucumber seed to cover 2,025 acres with vines, and enough musk-melon and water-melon seeds to plant 2,675 acres. The total quantity of flower and vegetable seeds thus distributed was contained in more than 9,000,000 packages, and they were sufficient, if planted, to cover 89,596 acres of land.

In view of these facts this enormous expenditure without legitimate returns of benefit ought to be abolished. Anticipating a consummation so manifestly in the interest of good administration, more than 100,000 dollars has been stricken from the estimate made to cover this object for the year ending the 30th June, 1895; and the Secretary recommends that the remaining 35,000 dollars of the estimate be confined strictly to the purchase of new and improved

varieties of seeds, and that these be distributed through experiment stations.

Thus the seed will be tested, and after the test has been completed by the experiment station, the propagation of the useful varieties and the rejection of the valueless may safely be left to the common sense of the people.

The continued intelligent execution of the Civil Service Law and the increasing approval by the people of its operation are most gratifying. The recent extension of its limitations and regulations to the employés at free-delivery post offices, which have been honestly and promptly accomplished by the Commission, with the hearty co-operation of the Postmaster-General, is an immensely important advance in the usefulness of the system.

I am, if possible, more than ever convinced of the incalculable benefits conferred by the Civil Service Law, not only in its effect upon the public service, but also, what is even more important, in its effect in elevating the tone of political life generally.

The course of Civil Service reform in this country instructively and interestingly illustrates how strong a hold a movement gains upon our people which has underlying it a sentiment of justice and right, and which at the same time promises better administration of their Government.

The Law embodying this reform found its way to our Statute book more from fear of the popular sentiment existing in its favour than from any love for the reform itself on the part of legislators; and it has lived and grown and flourished in spite of the covert as well as open hostility of spoilsmen and notwithstanding the querulous impracticability of many self-constituted guardians. Beneath all the vagaries and sublimated theories which are attracted to it, there underlies this reform a sturdy common-sense principle not only suited to this mundane sphere, but whose application our people are more and more recognizing to be absolutely essential to the most successful operation of their Government, if not to its perpetuity.

It seems to me to be entirely inconsistent with the character of this reform, as well as with its best enforcement, to oblige the Commission to rely for clerical assistance upon clerks detailed from other Departments. There ought not to be such a condition in any Department that clerks hired to do work there can be spared to habitually work at another place; and it does not accord with a sensible view of Civil Service reform that persons should be employed on the theory that their labour is necessary in one Department when in point of fact their services are devoted to entirely different work in another Department.

I earnestly urge that the clerks necessary to carry on the work

of the Commission be regularly put upon its roster, and that the system of obliging the Commissioners to rely upon the services of clerks belonging to other Departments be discontinued. This ought not to increase the expense to the Government, while it would certainly be more consistent and add greatly to the efficiency of the Commission.

Economy in public expenditure is a duty that cannot innocently be neglected by those intrusted with the control of money drawn from the people for public uses. It must be confessed that our apparently endless resources, the familiarity of our people with immense accumulations of wealth, the growing sentiment among them that the expenditure of public money should in some manner be to their immediate and personal advantage, the indirect and almost stealthy manner in which a large part of our taxes are exacted, and a degenerated sense of official accountability, have led to growing extravagance in Governmental appropriations.

At this time, when a depleted public Treasury confronts us, when many of our people are engaged in a hard struggle for the necessities of life, and when enforced economy is pressing upon the the great mass of our countrymen, I desire to urge with all the earnestness at my command that Congressional legislation be so limited by strict economy as to exhibit an appreciation of the condition of the Treasury and a sympathy with the straitened circumstances of our fellow-citizens.

The duty of public economy is also of immense importance in its intimate and necessary relation to the task now in hand of providing revenue to meet Government expenditures, and yet reducing the people's burden of Federal taxation.

After a hard struggle Tariff reform is directly before us. Nothing so important claims our attention and nothing so clearly presents itself as both an opportunity and a duty—an opportunity to deserve the gratitude of our fellow-citizens and a duty imposed upon us by our oft-repeated professions and by the emphatic mandate of the people. After full discussion our countrymen have spoken in favour of this reform, and they have confided the work of its accomplishment to the hands of those who are solemnly pledged to it.

If there is anything in the theory of a representation in public places of the people and their desires, if public officers are really the servants of the people, and if political promises and professions have any binding force, our failure to give the relief so long awaited will be sheer recreancy. Nothing should intervene to distract our attention or disturb our effort until this reform is accomplished by wise and careful legislation.

While we should staunchly adhere to the principle that only the

necessity of revenue justifies the imposition of Tariff duties and other Federal taxation, and that they should be limited by strict economy, we cannot close our eyes to the fact that conditions have grown up among us which in justice and fairness call for discriminating care in the distribution of such duties and taxation as the emergencies of our Government actually demand.

Manifestly, if we are to aid the people directly through Tariff reform, one of its most obvious features should be a reduction in present Tariff charges upon the necessities of life. The benefits of such a reduction would be palpable and substantial, seen and felt by thousands who would be better fed and better clothed and better sheltered. These gifts should be the willing benefactions of a Government whose highest function is the promotion of the welfare of the people.

Not less closely related to our people's prosperity and well-being is the removal of restrictions upon the importation of the raw materials necessary to our manufactures. The world should be open to our national ingenuity and enterprise. This cannot be while Federal legislation, through the imposition of high Tariff, forbids to American manufacturers as cheap materials as those used by their competitors. It is quite obvious that the enhancement of the price of our manufactured products resulting from this policy not only confines the market for these products within our own borders, to the direct disadvantage of our manufacturers, but also increases their cost to our citizens.

The interests of labour are certainly, though indirectly, involved in this feature of our Tariff system. The sharp competition and active struggle among our manufacturers to supply the limited demand for their goods soon fill the narrow market to which they are confined. Then follows a suspension of work in mills and factories, a discharge of employes, and distress in the homes of our working men.

Even if the often disproved assertion could be made good that a lower rate of wages would result from free raw materials and low Tariff duties, the intelligence of our working men leads them quickly to discover that their steady employment, permitted by free raw materials, is the most important factor in their relation to Tariff legislation.

A measure has been prepared by the appropriate Congressional Committee embodying Tariff reform on the lines herein suggested, which will be promptly submitted for legislative action. It is the result of much patriotic and unselfish work, and I believe it deals with its subject consistently and as thoroughly as existing conditions permit.

I am satisfied that the reduced Tariff duties provided for in the

proposed legislation, added to existing internal revenue taxation, will, in the near future, though perhaps not immediately, produce sufficient revenue to meet the needs of the Government.

The Committee, after full consideration, and to provide against a temporary deficiency which may exist before the business of the country adjusts itself to the new Tariff schedules, have wisely embraced in their plan a few additional internal revenue taxes, including a small tax upon incomes derived from certain corporate investments.

These new assessments are not only absolutely just and easily borne, but they have the further merit of being such as can be remitted without unfavourable business disturbance whenever the necessity of their imposition no longer exists.

In my great desire for the success of this measure I cannot restrain the suggestion that its success can only be attained by means of unselfish counsel on the part of the friends of Tariff reform and as a result of their willingness to subordinate personal desires and ambitions to the general good. The local interests affected by the proposed reform are so numerous and so varied that, if all are insisted upon, the legislation embodying the reform must inevitably fail.

In conclusion, my intense feeling of responsibility impels me to invoke for the manifold interests of a generous and confiding people the most scrupulous care and to pledge my willing support to every legislative effort for the advancement of the greatness and prosperity of our beloved country.

Executive Mansion, Washington, December 4, 1893.

GROVER CLEVELAND.

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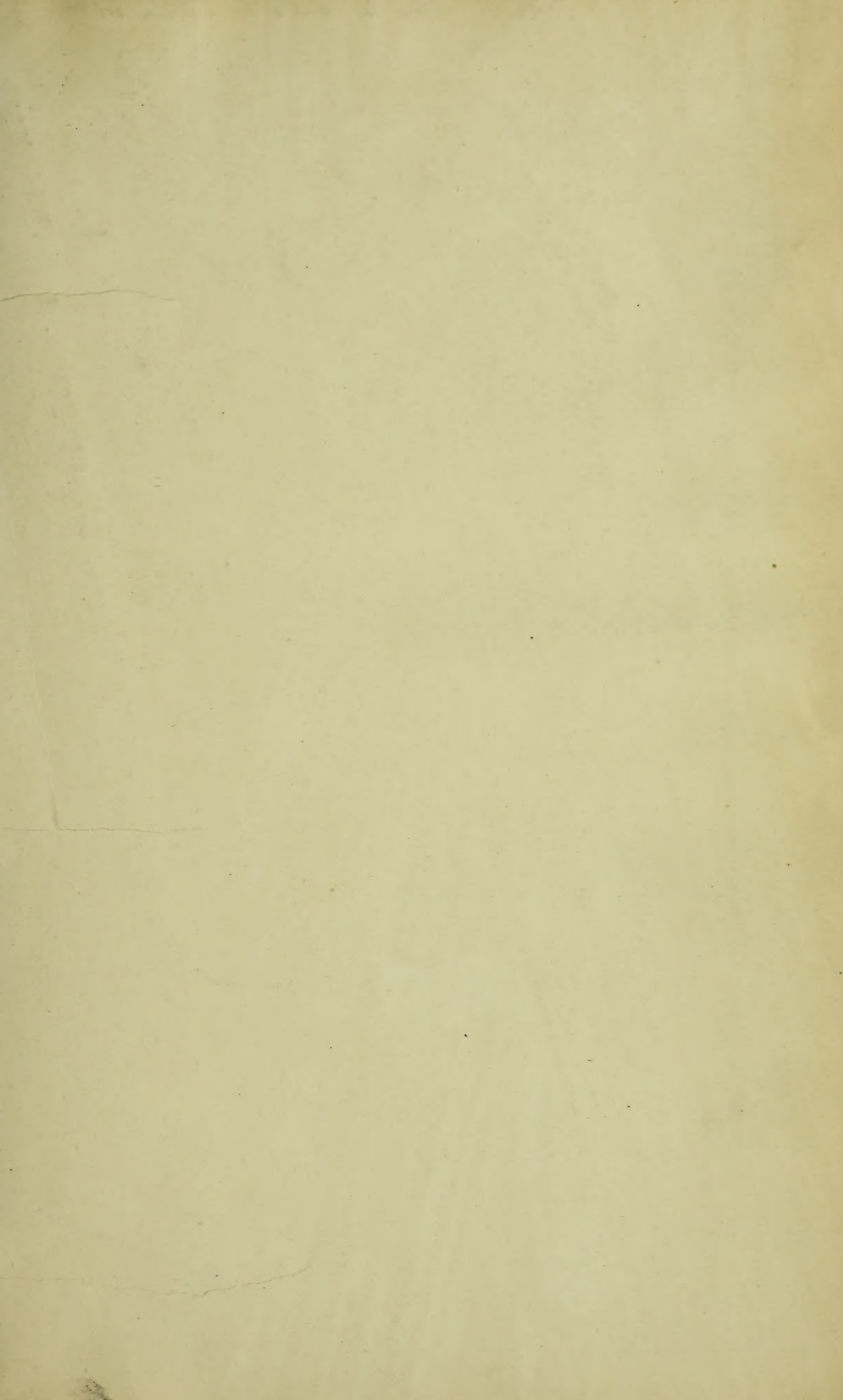
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